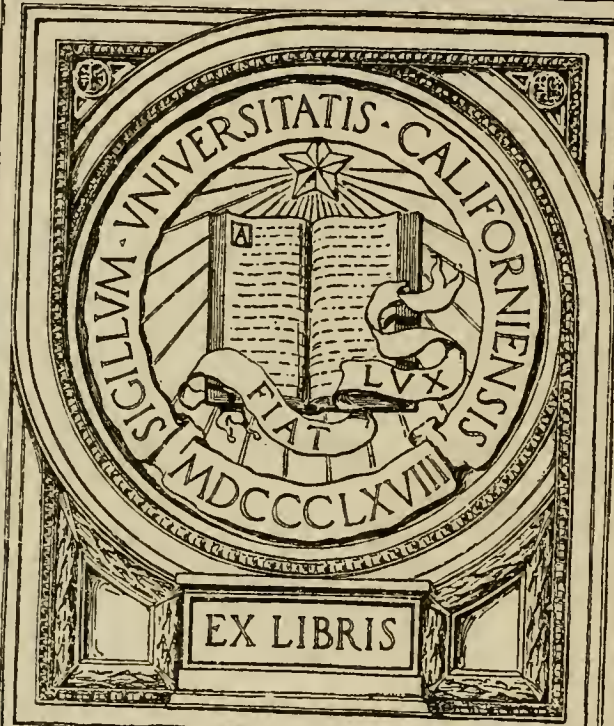


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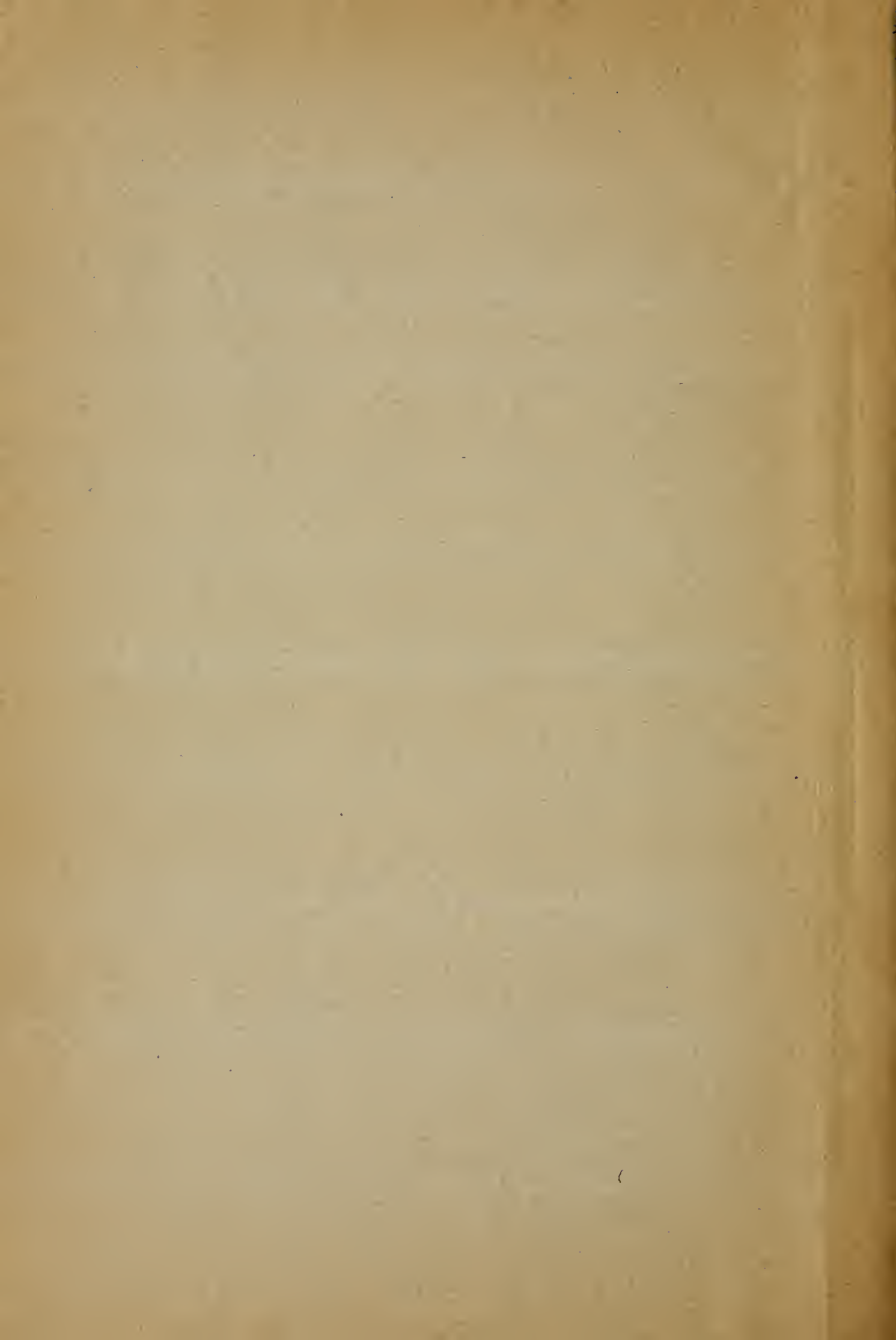
Election Laws

OF THE

State of Delaware

Incorporating Recent Amendments Thereto.

**Published by Authority of a Senate Joint Resolution by
Joseph L. Cahall, Secretary of State.**



REGISTRATION
AND
ELECTION LAWS
OF THE
STATE OF DELAWARE,

Incorporating Recent Amendments Thereto.

PUBLISHED BY AUTHORITY OF A SENATE JOINT RESOLUTION
BY JOSEPH L. CAHALL, SECRETARY OF STATE.

1906
PRESS OF THE DELAWAREAN,
DOVER, DEL.

CHAPTER 240, VOLUME 23.

Senate Joint Resolution authorizing the Secretary of State to have printed
the Election Laws.

*Be it resolved by the Senatè and House of Representatives of the
State of Delaware in General Assembly met :*

That the Secretary of State be and he is hereby authorized
and directed to have printed in pamphlet form with an index
thereto, two thousand copies of the Election and Registration
Laws with the recent amendments thereto, for the information
of those who register the vote and hold the elections of this
State.

Approved, March 30, A. D. 1905.

PREFACE.

In compliance with Senate Joint Resolution authorizing the publication of two thousand copies of the Election Registration Laws, I have included the recent amendments thereto, since the publication of the first compilation thereof, together with Chapter 393, Volume 20, being "An Act to provide for the purity of Primary Elections in New Castle County," making the present Volume in all respects similar to the previous publication of Election and Registration Laws, except that I have included in one pamphlet all of the said Laws, whether applicable to the City of Wilmington or the State outside of said City.

The especial attention of the Registrars and Election officers generally is called to the amendments made in the books styled "Registers" as to "color" and "age," found in Chapter 64, Volume 22; to the amendment made providing for the marking of official ballots by indelible black lead pencils or crayons instead of stamps, published herein in Chapter 62, Volume 22; to "An Act creating the office of Voters Assistant and prescribing the duties thereof," found in Chapter 63, Vol. 22; to an Act relating to appeals from decisions of Registrars published as Chapter 56, Volume 23; and to an act changing time for opening polls in City of Wilmington, published as Chapter 57, Volume 23.

JOSEPH L. CAHALL,

Secretary of State.

CHAPTER 35, VOLUME 21.

AN ACT concerning the appointment of Registration Officers and the preparation and delivery of Registration Books.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. The Governor shall, sometime in the month of June in each year in which a general election is held, appoint in each election district in this State, outside of the City of Wilmington, three capable persons, who shall be voters and resident in the Election District for which they shall be appointed, who shall be the registration officers of the Election District for which they are appointed; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars," and not more than two of them shall be of the same political faith; provided, that the number of registration officers in each Representative District, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Governor at the time of making the appointments. For each appointment accredited to any political party under this section the County Executive Committee of such political party shall furnish the Governor on or before the first day of June of the year in which said appointment is to be made a list of three names of properly qualified persons, from which lists the Governor shall make his appointments. Provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event the Governor shall appoint some suitable person or persons of such political party having all the qualifications provided by this section.

Governor to appoint Registration Officers.

Number.

Qualifications.

Designation.

Politics.

Apportionment between two leading parties.

Recommendation of names.

Time of furnishing names.

Failure to furnish names.

Provided, however, that in the case of the Registration officers to be appointed in this present year nineteen hundred and four, the appointment of the said Registration officers shall be made sometime between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and provided further, that the lists of names to be furnished by the County Executive Committees from which the appointments of such Registration officers shall be made, with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the 11th day of June in the year aforesaid. The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment, and shall continue for two years thereafter, and until their successors shall be duly chosen and qualified.

Registration officers for 1898.

Time of appointment.

Time of furnishing names.

Term of office.

Governor to appoint Alternate Registrars	I. It shall be the duty of the Governor, when appointing Registration officers for the several election districts of this State, at the same time to appoint in each election district in the State outside of the city of Wilmington, one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar," shall be the same as that of the Registrar, and whenever the Registrar provided for by this Act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the "Alternate Registrar" in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.
Term of office.	
When Alternate Registrar acts.	
Powers and duties.	
When Alternate cannot act.	II. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office thereupon become vacant.
Vacancies in office of Registration officers	
Governor to fill vacancies for residue of term	III. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar, or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint some suitable person or persons to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar and Alternate Registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the County in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer:
Qualifications.	
Oath.	
Form of oath.	"I,....., residing in Election District of....., Representative District in..... County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Registrar (or Assistant Registrar or Alternate Registrar for Election District in..... Representative District in..... County, faithfully, honestly, fairly, impartially and according to the best of my ability; that I am a citizen of the United States, and of the State of Delaware, and I am not a candidate for any office to be voted for by the

electors of the election district for which I am appointed Registrar (Assistant Registrar or Alternate Registrar), and that I am a qualified voter in said election district."

IV. Should the said Registrar (Assistant Registrar or either of them or Alternate Registrar) after taking said oath and before entering upon the active duties of said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed Registrar, Assistant Registrar or Alternate Registrar, the said office shall ipso facto become vacant and be filled by the appointment of another person to the same. After any Registrar, Assistant Registrar or Alternate Registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Becoming
Candidate for
office to create
a vacancy

Filling
Vacancies.

Officers to be
ineligible to
office.

Section 2. Each and every person appointed as aforesaid to act as Registrar, Assistant Registrar or Alternate Registrar shall qualify as such Registrar, Assistant Registrar or Alternate Registrar by taking or subscribing the oath or affirmation prescribed in the preceding section, within ten days after being notified of his appointment, and shall perform the duties of the office for the term for which he was appointed, unless he shall become disqualified by sickness or otherwise; but any Registrar, Assistant Registrar or Alternate Registrar who shall be appointed to fill a vacancy shall qualify forthwith.

Qualification
by oath.

Time
Must act.

If any Registrar, Assistant Registrar or Alternate Registrar who, being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or, having qualified, shall fail or refuse to perform any of the duties of said office he shall forfeit and pay to the State a fine of one hundred dollars upon conviction thereof by indictment in the Court of General Sessions of the county where such offence was committed.

Refusal to
qualify and a

Penalty.

The Registration officers aforesaid during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of this State is exempt from jury duty shall be required to serve as Registration officer.

Exemption
from Jury or
Military duty

Exemption
from Serving
as Registration
officers.

Section 3. It shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registration officers in each election district in this State including those in the City of Wilmington for the registration of names and facts following, to-wit:

Preparation of
books.

I. Two books for the Registration officers in each election district, including those in the City of Wilmington, to be known by the general name of "Registers," and to be so ar-

Registers.

ranged as to admit of the convenient entry of the following particulars:

Entries.

First. The name of the person applying to be registered, written in full (or his first christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto.)

Second. Whether his registration fee is paid or unpaid.

*Third. His color.

†Fourth. His age.

Fifth. The place of birth.

Sixth. The place of his residence, of street and number, if any, and his post office address.

Seventh. The time of his residence in the State, county and election district in which he shall apply to be registered.

Eighth. If naturalized.

Ninth. If registered voter.

Tenth. If disqualified.

Eleventh. Date of application for registration.

Twelfth. If challenged.

Thirteenth. Cause of challenge.

Fourteenth. Appeal.

Fifteenth. Remarks, explanatory and supplementary.

Style of books.

II. Such Registers shall be uniform in their general character, shall be ruled in parallel columns, and shall be of such size as to contain not less than fifteen hundred names.

Ruling and headings.

III. The ruling and the heading in the above described Registers shall be substantially in the form following, to-wit:

.....	Name .....	.....
.....	Registration Fee .....	.....
.....	*Color .....	.....
.....	†Age .....	.....
.....	Nativity .....	.....
.....	Residence .....	.....
.....	State	{ Term of Residence.
.....	County	
.....	Election District	
.....	Naturalized .....	.....
.....	Registered Voter .....	.....
.....	Disqualified .....	.....
.....	Date of Application .....	.....
.....	If Challenged .....	.....
.....	Cause of Challenge .....	.....

*Amended. See Chapter 64, Volume XXII.

†Amended. See Chapter 64, Volume XXII.

.....Appeal
Remarks

Second. Two books for the Registration officers of each election district, to be known by the name of "Books of Registered Voters." Lists of all persons whose names may be entered on the aforesaid as "registered voters." Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the registers aforesaid as a "Registered Voter," and in the parallel column opposite the name of such person the following particulars, to-wit:

First. His residence.

*Second. His color.

†Third. His age, if it is between the age of twenty-one and twenty-two years on the day of the next general election.

Fourth. A book to be known as "Registration Certificates," to contain not less than fifteen hundred blanks and printed in manner and form as hereinafter provided.

Section 4. The Sheriff of each County shall, some time previous to the last Saturday in the month of July, in the year of holding the general election, deliver to the Registrar of each election district of his county, two of the books known as "Registers," two of the books known as "Books of Registered Voters," and a book of Registration certificates hereinbefore provided for; which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the sheriff in each of the counties of this State on or before the Third Tuesday in July in the year of holding the general election.

Section 5. Each of the said Registrars immediately upon receiving said "Registers," "Books of Registered Voters" and book of "Registration Certificates" shall endorse upon the back and write at the head of each "Register," "Book of Registered Voters," and "Registration Certificates," delivered to him as aforesaid, the name of the county and the name of the election district of such county of which he is a registrar and of which such books shall respectively be the "Registers," "Books of Registered Voters" and book of "Registration Certificates" as aforesaid.

Section 6. All Acts and parts of Acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 20, A. D. 1898.

*Amended. See Chapter 64, Volume XXII.

†Amended. See Chapter 64, Volume XXII.

CHAPTER 36, VOLUME 21.

AN ACT providing for a Uniform System of Registration of all Qualified Voters in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

General Regis-
tration of voters.
Purpose.

Section 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 5 of the Amended Constitution, and facilitating the ascertainment of those who are duly qualified electors according to the said amended Constitution and laws of this State, there shall hereafter be a general registration of all the qualified voters resident in each election district of this State.

Duty of Regis-
tration officers.

Sittings for
registration.

Places.

Hours.

Days.

Section 2. It shall be the duty of the Registrar and two Assistant Registrars appointed in each election district in this State to register the names of all qualified voters in each of such election districts as hereinafter provided in this Act. And to that end shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector at the general election then next following, at such public and suitable places in their respective election districts as will, in their judgment, be most convenient for the voters thereof, from 8 o'clock A. M. until 7 o'clock P. M., with an intermission from 12 to 1 o'clock, on the three successive Saturdays in August, beginning with the first Saturday in August, and on the third Saturday in September, and on the third Saturday next preceding the day of election.

Notices of places
of sitting.

Each of said Registrars, at least ten days prior to the first sitting for the purpose of registration as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his election district, of the places where the Registration officers shall sit for the registration of voters as aforesaid, and the day or days when they will sit at each of said places.

Persons who are
admitted in
room.

Section 3. The Registration officers shall admit into the room in which registration is being made one suitable person to be selected by and to represent each of the political parties having tickets to be voted for at the coming election the applicants for registration (one at a time) and such witness or witnesses as the applicant may desire to establish his right to be

registered, and such witness or witnesses as the person who challenges the right of any applicant to be registered as he may name provided, however, that in no case shall there be more than one witness in the room at the same time, and provided further that no other person or persons shall be admitted into the room during the registration of voters, and they may eject from the room any of such persons behaving in a disorderly manner.

Limitation of witnesses in room.
Other persons not admitted.
Ejecting persons.

Section 4. The Registrar and the Assistant Registrars in each election district in this State shall at the times in this Act designated for registration meet in their respective election districts at the places which, as provided in this Act shall be designated for such meeting, and at such times shall do and perform the following acts, viz :

Registration officers to meet.

First. Upon the personal application of any one to be registered, it shall be the duty of the Registrar to demand and receive of the applicant, the registration fee of one dollar, which shall be returned to the said applicant if his name shall not be entered on the books of Registered Voters as a "Registered Voter."

Collection of Registration fee.

Second. They shall record in the registers in the column head "name" the name of every male person who shall personally appear before them, and apply to be registered, writing his surname and first Christian name in full and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first. The names of said applicant for registration shall be numbered consecutively in the order of their application, the number being entered on the Registers in figures immediately before each name.

Recording name of applicant.

Third. They shall examine all persons, who personally apply, as to their qualifications as electors, and shall immediately enter in the Register the statements and facts below set forth, and in the manner following, viz :

Examination of applicants and entries.

I. In the column headed "Registration Fee" the word "paid" or "unpaid," as the case may be.

Registration fee.

*II. In the column headed "color," they shall enter his color.

Color.

†III. In the column headed "age," the age of the applicant.

Age.

IV. In the column headed "nativity," they shall enter the

Nativity.

*Amended. See Chapter 64, Volume XXII.

†Amended. See Chapter 64, Volume XXII.

State, territory or country in which the applicant states he was born.

Residence.

V. Under the column "residence" the name and number of the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, the post office of the person so applying for registration, or such other clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined.

Term of residence.

VI. In the subdivision of the column headed "term of residence," how long he has resided in the State, how long in the County and how long in the election district in which he applies to be registered.

Naturalization.

VII. In the column headed "naturalized" the words "yes" or "no" or "native" as the facts shall appear.

Registered voter.

VIII. In the column headed "registered voter," if the registration officers shall be satisfied, upon examination or otherwise, that the applicant for registration is entitled to be registered as a registered voter, they shall write his name in full as written in the first column.

Disqualified.

IX. In the column headed "disqualified," if they are satisfied upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his name headed "Registered Voter" and the cause of his disqualification shall be briefly stated in the column headed "disqualified," opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible. Provided that every applicant for registration shall, upon payment of the registration fee, be held and considered to be a qualified voter, if he be a male citizen of this State of the age of twenty-one years and upwards, or who will be the age of twenty one years on or before the day of election, next succeeding his registration, and will have resided in this State one year next before such election, and for the last three months thereof will have been a resident of the county, and for the last thirty days a resident of the election district in which he may offer to vote and in which he shall have been duly registered; provided that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law a felony or, person who shall have been rendered incapable of voting by reason of violating Sec-

Qualifications for registration as qualified voters.

Who may not acquire residence.

Disqualifications.

tion 7 of Article 5 of the Constitution of this State for ten years next following his conviction and sentence thereunder, shall be held or considered a qualified voter.

X. In the column headed "Date of Application," they shall enter the day of the month and year on which application for registration is made. Date of application.

XI. In the column headed "if challenged" the words "yes" or "no." Challenges.

XII. In the column headed "cause of challenge," they shall enter the objections and by whom made. Cause of challenge.

XIII. In the column headed "Appeal" they shall answer "yes" or "no." Appeal.

XIV. In the column headed "remarks" they may enter such facts or statements as they may deem pertinent to the qualification or disqualification of the applicant as an elector. Remarks.

Fourth. In making the entries hereinbefore specified the Registration officers shall in every case, make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply, if the Registration officers shall be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable, whether such applicant ought to be registered as a registered voter, they may postpone the determination of the matter to their next sitting or to a later sitting at the request of the applicant. Postponement of registration of applicants in case of doubt.

Fifth. It shall be the duty of the Registration officers of each and every election district in this State, upon the close of each day's registration, to write in the line on their registers, immediately below the last person registered on said day the words "end of theday's registration," and immediately under said entry the said Registration officers shall sign their respective names with the proper designation of their office. The said entries shall in no way interfere with the numbering of the names of the persons as the same shall be entered upon said registers, but the same shall be continued as if the said entries had not been made. Signing each days registration. Not to interfere with numbering of names.

Section 5. If, upon the personal application of any one to be registered, he shall be challenged for having received or accepted, or for having offered to receive or accept, or for having paid, transferred or delivered, or for having offered or promised to pay, transfer or deliver, or for having contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as a compensation, in- In case of challenge for bribery, etc., oath to be administered.

ducement or reward for the registering or abstaining from registering of any one qualified to register, it shall be the duty of the Registrar to administer to the person so challenged an oath or affirmation as follows, viz:

Form of oath.

"You do solemnly swear upon the Holy Evangels of Almighty God (or 'You do solemnly sincerely and duly declare and affirm') that you have not received or accepted or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register at the registration for this present year, so help you God" (or "so you do solemnly, sincerely and truly declare and affirm").

Oath to be conclusive evidence.

False oath, perjury.

Refusal to make oath.

Entry of disqualification.

Such oaths or affirmation shall be conclusive evidence to the Registration officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and on conviction thereof shall bar any prosecution under Section 8 of Article 5 of the Amended Constitution. If any person so challenged as aforesaid, shall refuse to make the oath or affirmation above prescribed, then it shall be the duty of the Registration officers to cause a line to be heavily drawn in ink opposite his name in the column headed "Registered Voter," and the column headed "Disqualified" to insert the words "disqualified for refusing to make the oath concerning bribery at registration," opposite his name as first recorded, and a line shall be drawn across his name as first entered, in such manner that said name shall remain legible.

Entries in books of registered voters in presence of applicant.

Section 6. When the Registration officers of any election district in this State, at any of the sittings hereinbefore provided for, shall enter in the Registers the name of any applicant for registration as a registered voter, they shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Book of Registered Voters," heretofore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty one and twenty-two on the day of the next following general election.

Certificate of registration.

II. And the Registrar shall give to each person who is registered as a registered voter and who may request it a certificate to the following effect:

Form of certificate.

..... Election District, in Representative District, in.....County, State of Delaware.

Dated.....day of19....

I do hereby certify that has this day been registered as a registered voter in the election district above mentioned, and that his number on the registers is number.....

(Signed)

Registrar for.....Election District, inRepresentative District, inCounty.

III. The said Registration officers shall within one week after their third sitting as aforesaid cause to be printed not less than fifty copies of the alphabetical lists of registered voters as contained in the "Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in their election district, and shall use the remaining copies in such a manner as in their judgment will be most likely to secure publicity and general inspection.

Printing of
alphabetical
lists of regis-
tered voters.

Posting of lists..

Section 7. Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths and represented to the Registration officers of the election district, of which said affiant is a voter, that in his opinion any person (naming him) is illegally registered in such election districts as a registered voter and setting forth the reasons therefor, it shall be the duty of the Registration officers to examine into the matter of the registration of such persons, and, if said Registration officers deem it a proper case for a hearing, notice shall be given to such person, either personally or in writing, in the manner hereinafter provided, to appear before the said Registration officers at their next sitting to show cause why his name shall not be stricken from the "Books of the Registered Voters" of such election district. And if upon examination an inquiry the Registration officers shall be satisfied, at the sitting at which such person had notice to appear, that he ought not to be registered as a registered voter, a heavy line shall be drawn in ink through his name in the column headed "Registered Voter," and a line shall be drawn through his name as first entered, but in such manner as said name shall remain legible, and the cause of his disqualification shall be briefly stated in the column headed "Disqualified," and in the column headed "Remarks," opposite his said name shall be written the words "adjudged disqualified on revision by the Registration officers," and the date when his disqualification was ascertained as aforesaid and in the books of "registered voters" a heavy line of ink shall be drawn through his name, his residence, his color and his age.

Review of decision of registration upon affidavit.

Hearing.
Notice of..

Entries in case of decision to strike off name.

Removal from
District in which
registered.

Application to
officers.

Certified copy
entries and
certificate.

Registration in
other district.

Proviso as to
residence.

Entries in case
of such applica-
tion.

Quorum and
acts of registra-
tion officers.

Written notice
what sufficient.

Comparison of
Registration
Books.

Section 8. If any person registered as a registered voter, in any election district in this State, shall, after he is so registered, remove from the district in which he is so registered to any other district in the county, he may apply in person to the registration officers of the election district in which he is registered and have his name stricken from the "Registers" and from the "Books of Registered Voters" in which his name shall appear, and may obtain from said registration officers a certified copy of the entries in the register relating to him, together with a certificate that his name has been stricken from the register and books of registered voters, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said registers and book of registered voters, to cause himself to be registered in the election district to which he may have removed upon producing the aforesaid certificate and copy of entries in said registers and books of registered voters; provided that by the next following general election he will have acquired in the election district to which he has removed the residence required by the constitution. And the registration officers to whom such persons may apply to have his name stricken from the registers and books of registered voters shall draw a line in ink through his name and all the entries opposite his name in said registers and books of registered voters, and in the column in the registers headed "remarks" shall enter "removed from this election district into.....election district in this County," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Section 9. At every sitting of said Registration officers two shall constitute a quorum and the acts of a majority shall be as valid as the acts of all of them.

II. In all cases where written notice is required by this act to be given to any person such notice shall be deemed sufficient if addressed to the person to be notified at the postoffice named by him, at the time of his application for registration, and deposited in the mail not later than the Wednesday next preceding the sitting of the Registration officers at which he may be notified to appear.

Section 10. It shall be the duty of the Registration officers, immediately after the close of their last sitting, carefully to compare the two Registers, and see that they agree with each other in every particular, and also to compare the alphabetical lists of "Registered Voters" as contained in the "Books of Registered Voters" aforesaid, with the said Registers, and to see that the name of every person entered upon the Registers as a Registered Voter is entered in its proper alphabetical place on each of the two lists of Registered Voters, together with the

residence and color, and also the age if it be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Registers. And if any name in the Registers which ought to have been entered on said alphabetical lists of Registered Voters shall have been omitted therefrom, it shall be the duty of said Registration officers to enter such name in its proper alphabetical place, on the proper alphabetical lists, together with the proper entries as they appear on the said Registers.

Entry of
omitted names.

II. And it shall be the further duty in such comparison of the alphabetical lists with the Registers to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall also be the duty of the said Registration officers, within three days after their last sitting, to append to each of said alphabetical lists of "registered voters" contained in said "Books of Registered Voters" a certificate, verified by the oath or affirmation of said Registration officers, or at least two of them, that the said "Book of Registered Voters" contain a complete list of the registered voters of said election district, as the the same are entered in the "Books of Registered Voters" of such election district.

Correction of
books.

Certificate to be
appended to
books.

III. And the said Registration officers shall, within the three days aforesaid, also append to the registers of their election districts a certificate that each of said Registers is the official Register of such election district, and, so far as within their knowledge, no false or improper entries have been made therein, which certificate shall be made and verified by at least two of said Registration officers.

Certificate to be
appended to
Registers.

Section II. From the decision of the Registration officers granting or refusing registration, or striking or refusing to strike a name or names from the Registration lists, any person interested, or any Registration officers may appeal to the Resident Associate Judge of the county, or in case of his disability or absence from the county, to any Judge entitled to sit in the Supreme Court, whose determination shall be final, and in order to prosecute said appeal it shall be the duty of the person taking the same to notify the "Registrar" of the election district from the decision of whose officers said appeal is taken stating in said notice the time when said appeal will be presented to the resident Associate Judge of his county or such Judge of the Supreme Court as may sit for the purpose of receiving and hearing such appeal which time shall be one of the days hereinafter named for such resident Associate Judge or

Appeal to Resident Associate
Judge or other
Judge.

Decision final.

Notice to
Registrar.

Time of hearing
appeal.

Judge of the Supreme Court to sit for the purpose of receiving and hearing appeals.

Official bond of Registrar.

Section 12. Each Registrar shall, before entering upon the duties of his office give bond to the State of Delaware, with at least one or more sureties to be approved by the Clerk of the Peace of the county wherein such Registrars resides, in a penalty to be determined by the said Clerk of the Peace, and to be, as nearly as can be ascertained, double the amount which such Registrar is required to collect as registration fees, of and from all voters who may be registered in his election district, the form and condition whereof shall be as follows. viz:

Amount.

KNOW ALL MEN BY THESE PRESENTS.

Form of Bond.

That we.....of.....County and State of Delaware, are held and firmly bound unto the State of Delaware in the penal sum of.....lawful money of the United States of America, to be paid to the said State of Delaware or its certain attorney, or assigns, to which payment well and truly to be made we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this.....day ofin the year of our Lord one thousand eight hundred and ninety.....

The condition of the above obligation is such, that if the above being Registrar of Election District in Representative District in.....County, shall faithfully and diligently collect and receive all registration fees which he shall as such Registrar, be required to collect of and from all persons who may be registered as registered voters in his said election district, and shall pay over the amount so received to the Receiver of Taxes and County Treasurer, or County Treasurer of his County in the manner and within the times prescribed by law, then the above obligation shall be void and of no effect or else shall be and remain in full force and virtue.

And further, we do hereby jointly and severally authorize and empower any attorney of any Court of Record in the State of Delaware, or elsewhere, to appear for us, and each or either of us, at the suit of the said State of Delaware or its assigns, and thereupon to confess judgment for the above penalty to the said State of Delaware or its assigns, as of the last, next, or any other term or time after the date hereof.

And further, we do hereby jointly and severally release all

and all manner of error or errors in any such judgment and execution to be issued thereon.

Signed, sealed and delivered
in the presence of

.....(Seal.)
.....(Seal.)
.....(Seal.)

II. The surety or sureties required in the foregoing may be some Trust Company or Surety Company authorized to do business in this State and to enter into suretyship.

Who may be
surety on Bond.

III. The said bond after being executed as hereinbefore provided, shall be filed in the office of the Clerk of the Peace of the county by whom it was approved subject to the order of the Receiver of Taxes and County Treasurer or County Treasurer as the case may be.

Filing of Bond.

Registrar to
pay over regis-
tration fees.

Section 13. It shall be the duty of the respective Registrars appointed under this act to pay over to the Receiver of Taxes and County Treasurer, or County Treasurer of the county in which he is Registrar, all moneys which shall have come to his hands as such Registrar by the payment of registration fees, on the Thursday next succeeding the day of the general election in the year in which he shall have received such fees, and in default thereof, it shall be the duty of the Receiver of Taxes and County Treasurer, or County Treasurer as the case may be, to cause judgment to be entered on said bond in the Superior Court in and for the county, and to proceed to collect such sum as shall remain due and unpaid by the said Registrar, provided nevertheless, that it shall be the duty of the said Receiver of Taxes and County Treasurer, or County Treasurer, upon the request of any surety or sureties in said bond or whenever in his judgment, the interest of the State demands, to cause judgment to be entered on said bond at any time after the execution thereof with power to enforce collection of the same, if payment is not made as above provided for.

Time of
payment.

Failure,
judgment on
bond.

Collection of
fees.

Entry of bond
at request of
sureties.

Section 14. That whenever it shall become the duty of any Alternate Registrar appointed under the provisions of this Act to discharge and perform the duties of the registrar he shall on the evening of every day on which he shall act as such registrar pay over to the registrar of his election district and in whose place he shall have acted, or his legal authorized agent or attorney, all moneys which shall have come to his hands as registration fees, and such payment shall be his discharge from all liability for or on account of the moneys so received; and upon failure to pay over the whole or any part of the moneys re-

Alternate Regis-
trar, when act-
ing as Registrar
to pay over fees
to Registrar.

Failure.

Penalty. received by him as registration fees while acting in the place of said registrar at any one sitting, on the evening of the day as herein required or within three days thereafter, he shall be deemed guilty of a misdemeanor and upon indictment and conviction thereof shall be fined in any sum not exceeding five hundred dollars to be determined by the Court and which shall not be more than double the amount that it shall appear to the said Court, that came into his hands as registration fees, or shall be imprisoned for a term not exceeding one year or both at the discretion of the Court.

Duties of Assistant Registrars to make entries. Section 15. It shall be the duty of the assistant registrars in this Act provided for to make all the proper entries in the "Registers" and "Books of Registered Voters" as the same are required by this Act to be made, except such entries as are provided for in Section 16 of this Act; and it shall be the duty of the registrar, in addition to the other duties required of him, to fill up, prepare and deliver all certificates of registration that may be required by registered voters, and to receive and file all affidavits which may be filed.

Additional duty of Registrars.

Sitting of Judges to hear appeals. Section 16. It shall be the duty of the resident Associate Judge of New Castle County to sit at the Levy Court room of New Castle County, and the resident Associate Judge of Kent County to sit at the Levy Court of Kent County, and the resident Associate Judge of Sussex County to sit at the office of the Clerk of the Peace for Sussex County, or if said places cannot conveniently be had, then at such proper and suitable places in the county seat of the respective counties of this State as shall be designated by notice signed by the said resident Associate Judge of his county, and posted on the door of the respective places aforesaid, stating where he will sit for the purpose of hearing appeals from the decision of the Registrars in the respective election districts in this county on *Thursday next following the third Saturday of August, in the year in which registration is required by law to be made, at 10 o'clock in the morning of said day, on which day he shall receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election districts in his county, which shall be presented on said day, and he shall proceed to hear all appeals which shall have been filed as aforesaid on said day, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the †Tuesday next following for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon ‡the previous week, and also

Time of sitting in August.

Hour.

Hearing appeals

*Amended. See Chapter 56, Volume XXIII.

†Amended. See Chapter 56, Volume XXIII.

‡Amended. See Chapter 56, Volume XXIII.

such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until all appeals which shall then have been filed shall have been heard and decided. The said resident Associate Judge shall again sit for the purpose of hearing appeals as aforesaid on the Tuesday next following the last day of registration as provided for in this Act, to receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election district in his county as aforesaid, made on the said last day of registration, and any other appeal or appeals which for any cause he may have continued from a preceding sitting, and shall proceed to hear all appeals which shall have been filed as aforesaid, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until the close of the day next preceding the day of the election; *provided, that all appeals which shall have been taken from the decision of the Registration officers made at their sittings in August and September, and which shall be presented to the resident Associate Judge at his sitting on the Tuesday next after the last day of registration as aforesaid to hear appeals, shall not be received and acted on unless the appellant shall make oath before the said resident Associate Judge that the delay in presenting his said appeal was not for the purpose of hindering or delaying the said resident Associate Judge or the officer of registration in his election district in the discharge of the duties imposed upon them respectively under the provisions of this Act.

Sitting in
September.

Oath that delay
in presenting
appeal was not
to hinder or de-
lay.

II. No appeal shall be received and acted upon by the resident Associate Judge unless the appellant shall, at the time of presenting his appeal make an affidavit, that notice of his intention to present his appeal on this day was served upon the Registrar of his election district; any person applying to the said resident Associate Judge to have any name appearing on the register and books of registered voters in his election district in any manner incorrect to be corrected shall notify the Registrar of the election district on whose books such name is incorrectly entered of his intention to make application for the correction thereof, so that the said Registrar shall and may be

Affidavit of
notice of appeal.

Notice to Regis-
trar of applica-
tion for
corrections..

present with his register and books of registered voters to make such corrections therein as the said resident Associate Judge shall order and direct; provided, that no correction shall be ordered to be made by the said resident Associate Judge unless he shall be satisfied by the oath of the applicant or otherwise that notice of the intended application for correction shall have been given to or served upon the Registrar of the appellant's election district of his intention to make said application.

Serving of notice

All notices required to be given or served by the provisions of this section upon any Registrar shall be so given or served personally at least three days before the application is made or by leaving, in the presence of an adult male person, a written copy of such notice at the usual place of abode of such Registrar, at least three days before the application shall be made, and no application for correction or for the hearing of an appeal shall be heard upon any day which is set apart by this Act as a day for the registration of voters.

Application for correction or appeals not to be heard on day of registration.

III. Upon the decision of the respective resident Associate Judges on each and every appeal, the resident Associate Judge making the decision shall order and direct the Registrar of the election district from the decision of whose Registration officers the appeal shall have been taken, and who shall be present with his "Registers" and "Books of Registered Voters" as hereinafter provided, to make such entries in his "Registers" and "Books of Registered Voters," as such Registrar is authorized by the provisions of Section 4 of Article V of the Constitution of this State and by the provisions of this Act to order and direct to be made and as are required by law to be made in said "Registers" and "Books of Registered Voters" by the Registration officers in case where a person is entitled to be Registered as a Registered Voter, upon the payment of the Registration fee as hereinbefore provided, or as any one who is disqualified.

Order of Judge for making entries.

IV. All duties which are imposed upon the resident Associate Judge of the County by the provisions of this Act and especially of this section shall be and they are hereby imposed upon and required to be performed by such Judge of the Supreme Court as shall at any time be sitting in any of the Counties of this State for the purpose of hearing appeals under this Act, in lieu of the resident Associate Judge of the County when he shall be unable to sit either from disability or absence from the County.

Duties of Resident Judge to apply to Judge of Supreme Court sitting in place of such Resident Judge.

Section 17. In order that the Registrar in each and every election district in this State, may be enabled to perform the duties especially required of him by this Act, he shall retain and keep possession of and be responsible for the "Registers"

Registrar to be custodian of books.

and "Books of Registered Voters" and book of registration certificates of his election district at all times excepting when being used by the Registration officer of his election district for the purpose of registration; and it shall be his duty to attend and be present at all hearings of which he had notice before the resident Associate Judge of the County or such Judge of the Supreme Court as may be sitting for that purpose, of appeals which shall have been taken from the decision of the Registration officers of his election district and also upon the hearing for the correction of any name or names on his "Registers" or "Books of Registered Voters" improperly omitted or improperly appearing or in any manner incorrect thereon, and to have with him the said "Registers" and "Books of Registered Voters" and to make such entries in said books respectively as said resident Associate Judge or Judge of the Supreme Court for the purpose of hearing such appeals and make such corrections, may order and direct.

Attendance at
hearing of
appeals.

Section 18. All the powers and duties conferred or enjoined upon Registrars by any of the provisions of this Act, are hereby expressly made the powers and duties of all Alternate Registrars in the absence of the Registrar from his election district, or his disability to perform the duties imposed upon such Registrar by any of the provisions of this Act; and in order to enable the Alternate Registrar to perform the duties in this Section imposed upon him, it shall be the duty of the Registrar to deliver or cause to be delivered to the Alternate Registrar, the Register, Book of Registered Voters, and Book of Registration Certificates in the custody or possession of such Registrar, and all notices of appeal which shall have been served upon him, whenever it shall be the duty of the Alternate Registrar to act in the place and stead of such Registrars as provided in this Section.

Alternate Registrar, when sitting to have all powers and duties of Registrar.

Books and papers to be delivered to Alternate Registrar.

Section 19. It shall be the duty of the Registrar in the respective election districts of this State, on the morning of the day of the general election and one hour before the opening of the polls for said election, to deliver to the inspector, or other person authorized to hold said election in his, the said Registrar's election district, one of said "Registers" and one of said "Books of Registered Voters" in his possession, certified to as hereinbefore provided. And the other of said "Registers" together with the other of said "Books of Registered Voters" and the book of registration certificates, containing unused certificates, together with all other papers or documents relating to the registration of voters, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same, with-

Registrar to deliver books to inspector.

To keep other books safely.

out fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

Registrar to deliver duplicate books to the Clerk of the Peace.

II. And within one week after the following general election he shall deliver the said duplicates in his possession to the Clerk of the Peace of the county in which he resides, who shall safely keep the same, in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Registrars clothed with powers of Justice of the Peace.

Section 20. Each of the Registrars shall in addition to the other powers conferred upon him by this Act have, during the respective times of the appointed sittings for registration, the powers of a Justice of the Peace to preserve order and enforce obedience to his lawful commands at or around the place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumults, violence and disorder at, around or near the place of registration, tending to intimidation, or to the obstruction of the work of registration and to protect and keep safe the registers or books for the registration of voters, while in his and the Assistant Registrar's custody and possession. He may compel the presence of witnesses before them while sitting with the Assistant Registrars as Registration officers, for all purposes connected with the performance of the duties of their office, by summons and attachment, and shall have power to administer oath or affirmation. He may, while sitting as such officer of registration commit for trial any person committing at, or around the place of registration a breach of the peace, or any offence forbidden by this Act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any election district in this State to the Sheriff of his county or to any Constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a Justice of the Peace within such county.

Power to compel attendance of witnesses.

Oaths or affirmations

Commitment of offenders.

To whom process may be issued.

Service of process.

Fees of officers serving process.

Registrars not to receive compensation for this service.

II. The Sheriff or Constable in any county of this State, who shall serve any such process shall receive the same fees, and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in this Act.

Compensation of Registrar.

Section 21. Each Registrar shall receive five dollars per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of appeals before the resident Associate Judge of the county, or

such Judge of the Supreme Court as may sit for hearing such appeals; and six per cent. as commission on all sums he may receive and pay over to the Receiver of Taxes and County Treasurer, or County Treasurer, as fees from persons registering in his election district.

II. And each assistant registrar shall receive five dollars per day for each day of actual service, when sitting for the purpose of registration. Compensation of Assistant Registrar.

III. And each alternate registrar shall receive five dollars per day for each day of actual service, when sitting in the place of the Registrar for Registration, or in attendance upon the hearing of appeals before the resident Associate Judge of the county or such Judge of the Supreme Court as may sit for hearing such appeals, and six per cent. as commission on all sums he may receive and pay over to the registrar of his election district as fees from persons registering in his election district, said sum to be deducted from the commissions which may be allowed the registrar. Compensation of Alternate Registrar.

IV. It shall be the duty of the Levy Court in each of the counties in this State, at its November session, to ascertain the amount of compensation under this Act due the Registrars, Alternate Registrars and Assistant Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money appropriated for that purpose. Ascertainment of amount of compensation by Levy Court. Payment.

V. The cost of printing and posting the alphabetical lists contained in the Books of Registered Voters aforesaid, and of printing and mailing the notes required by this Act, and the rent of the room or rooms used by the said registration officers in the performance of the duties required by this Act, the cost of printing any forms or blanks that may be required, and the cost of the necessary ink and stationery used by them provided for by this Act, shall be paid by the Levy Court of the respective counties upon proper vouchers. Cost of printing, rent, supplies, etc. How paid.

Section 22. Whoever, during the sitting of the Registration officers in any election district in this State, shall bring, take, order or send into, or shall attempt to bring, take, or send into any place of registration, any distilled or spirituous liquors whatever, or shall, at any such time or place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both. Bringing, taking ordering, or sending spirituous liquors into or drinking same in place of registration. Penalty.

Fraudulent
entries, changes
or alterations
in books of
registration.

Section 23. If any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently enter or fraudulently permit to be entered, in any register, the name of any person as a registered voter who is not entitled to be entered therein as a registered voter, or if any other person not authorized by the proper registration officers shall enter into any register the name of any person as a registered voter, or if any Registrar, Alternate Registrar, or Assistant Registrar shall fraudulently refuse or omit to register, or shall fraudulently misspell in any register or in any book of registered voters in his charge, the name of any person entitled under the provisions of this Act to have his name entered in such register or book of registered voters, or if any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently strike from any register or from either of said books of registered voters in his charge the name of any person entered therein; or if any other person not authorized by the proper registration officers shall strike from any register or from any book of registered voters the name of any person entered therein; or if any Registrar, Alternate Registrar or Assistant Registrar, shall make any entry or entries in the said register, or books of registered voters, except at the times and in the manner hereinbefore provided, or if any Registrar, Alternate Registrar or Assistant Registrar, shall do anything which is by this Act forbidden by him done, or shall omit to do anything which is by this Act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Penalty.

Person causing
himself to be
wrongfully
registered.

Section 24. If any person shall cause or attempt to cause himself to be registered in the name of any other person living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any election district in this State shall cause or attempt to cause himself to be registered in any other election district in this State without having first caused his name to be stricken from Register and Books of Registered Voters in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following general election shall cause or attempt to cause himself to be entered on the Registers in any election district in this State as a Registered voter therein, knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, bribery or any unlawful means, prevent or hinder, or attempt to prevent or hinder any person having a lawful right to have his

Or by intimidation or bribery,
interfere with
registration of
others.

name entered on the registers in any election district in this State from duly exercising such rights, or shall compel or attempt to compel by any such means, any Registrar, Alternate Registrar, or Assistant Registrar, to enter on their register the name of any person not legally entitled to be entered therein, or to refrain from entering on their registers the name of any person legally entitled to be entered thereon, or shall lawfully interfere with any Registrar, Alternate Registrar, or Assistant Registrar, in the discharge of his duties under this Act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or breach of the peace at or near to any place of registration in this State, during the sitting of any registration officers, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Assault, riot,
breach of peace.

Penalty.

Section 25. If any Registrar, Alternate Registrar or Assistant Registrar, Inspector or Judge of election shall lose any register or book of registered voters which may be in his charge or custody, or if any of such officers or any other person shall wilfully destroy, mutilate, deface, falsify or fraudulently remove or secrete any register or book of registered voters, or shall knowingly make any false entry in or false copy of any register or part of any register, or fraudulently make any entry, erasure or alteration in any alphabetical list of registered voters, as contained in any book of registered voters, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Loss of books by
registration
officers.

Destruction,
mutilation, etc.

False entries, etc.

Penalty.

Section 26. If any person shall mutilate, deface, pull down or destroy at any time before the last sitting of the Registration officers any printed copy of the alphabetical list of registered voters, when the said lists are hung up as provided in Section 9 he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one hundred dollars or be imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Mutilation,
defacement,
pulling down or
destroying
alphabetical
lists.

Penalty.

Section 27. In any case of a special election held in this State it shall be the duty of the Registration officers of the respective election district in this State, hereinbefore provided for, to sit on the third and fourth Saturdays immediately preceding the day of such special election, from 8 o'clock A. M. until 7 P. M., with an intermission from 12 to 1, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will

Additional reg-
istration for
special election.

be held, and at such sittings to add to the registers and book of registered voters aforesaid of their respective election districts the name of all persons applying to them who may have become qualified to vote since the day of the last general election, or who may become qualified to vote by the day of such special election.

How to make entries.

II. And it shall be the duties of such Registration officers in adding any new names to make the same entries in the registers and books of registered voters aforesaid, as they are hereinbefore required to make when sitting as Registration officers before any general election.

Registration officers to procure books from Clerk of the Peace.

III. The said Registration officers, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two registers, and the two books of registered voters and the books of registration certificates which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerk of Peace to deliver books.

IV. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Registration officers when the same shall be applied for as aforesaid.

Delivery of books, etc., by registration officers.

V. In delivering one of the "Registers" and one of the "Books of Registered Voters" and the book of registration certificates to the inspector or other person authorized by law to hold the special election in his election district, as hereinbefore provided, it shall be the duty of the said Registrar to deliver the register and the book of registered voters, which was not used at the previous general election and the other of said registers and the other of said book of registered voters shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

Section 28. All Acts and parts of Acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 27th, A. D. 1898.

CHAPTER 37, VOLUME 21.

AN ACT to facilitate the Registering as Qualified Voters the Citizens of Delaware Engaged in the Performance of Military or Naval Duty.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That every person enlisted or engaged in any military or naval organization of this State or the United States and who prior to enlistment was a resident of any hundred or election district of this State, shall not lose his domicile in such hundred or election district by reason of such enlistment.

Domicile of persons in Army or Navy not lost.

Section 2. That every male citizen of this State of the age of twenty one years and upwards, and who is or shall hereafter be enlisted or engaged in any military or naval organization of this State or the United States shall be entitled to have his name registered as a voter in the hundred or election district in which he resided, prior to his enlistment, in the same right as he would have done had he remained continuously present in such hundred or election district during the period of his enlistment.

Registration of citizens in Military or Naval service.

Section 3. That the Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, some qualified citizen of the State as Auxiliary Registrar of Voters, who shall qualify and bond as other registrars are required to do, and whose duty it shall be to visit, sometime before the last Saturday in September in any year in which a general election is held, the military or naval encampment of this State, or the United States wherein the citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering; as hereinafter provided for, such citizens as voters of the hundred or election district in which they are entitled to be registered as designated in Section 2 of this Act.

Appointment of Auxiliary Registrar of voters. Qualifying of.

Duty of.

Section 4. Upon application being made to be registered as a voter of any hundred or election district of this State, by any officer or enlisted man of any military organization before any Auxiliary Registrar of Voters as provided for in the foregoing Section of this Act, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V of the Amended Constitution.

Application for registration.

What deemed personal application.

Notice of time
of visiting
camps.

Section 5. That the Auxiliary Registrar herein provided for, shall notify the encampment or encampments of the time he will visit them for the purpose of registering voters, that he shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

List of appli-
cants and quali-
fications to be
kept by
Registrar.

Section 6. The Auxiliary Registrar shall make and keep a complete list of the names of all those applying to him to be registered, together with their qualifications as to age, color, birth, nativity, etc., in the same manner and detail as is required to be done by on the books of registration kept by the Registrars sitting in the various hundreds or election districts of this State.

How kept.

Separate lists for
Districts.

Section 7. The Auxiliary Registrar shall make a separate and distinct list for each hundred or election district of this State of all those applying to him to be registered in such hundred or election district. He shall also receive the constitutional fee of one dollar from all those so applying to him, before he shall enter their names.

Registration fee.

Return of Aux-
iliary Registrar
of list, etc., to
registration
officers.

Section 8. Immediately upon the completion of these lists of registration and not later than the third Saturday next preceding the day of the next general election, the Auxiliary Registrar shall make and certify under oath, and forward by registered mail or personal delivery, to the Registrars of the various hundreds or election districts of this State, the names and qualifications as recorded by him of all those who applied to him to be registered in such hundreds or election districts; together with the constitutional fee for registration received by him from them.

Registration
fee.

Opening Lists
and registering
by Registration
officers.

Section 9. The Registrars of and for the respective hundreds or election districts of this State, who shall receive any such list from any Auxiliary Registrar as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the Registrar shall in a clear and distinct voice, audible to those in the room and as well to those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the Auxiliary Registrar for registration. Every name shall be entered upon the books of registration kept in and for such hundred or election district, if it is found that the person represented by such name would have been qualified to have appeared there in person and been registered. But any member of the board of Registration or any qualified voter of the election district may challenge the registering of the names upon the book of registration, for the hundred or election district; and the question of the right to register such name shall be determined by the reg-

Who to be
Registered.

Challenge.

istration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the election district. The Registrar shall keep complete and inviolate the list of names and qualifications just as he received them from the Auxiliary Registrar, but such list shall always be subject to the inspection of the qualified voters of the election district, provided it shall not be taken from the possession of the Registrar.

Registrar to
keep list.

The Registrar of the election district shall also make and keep for the inspection of the voters of his election district a list of all those names which he has received from the Auxiliary Registrar, and which have been granted registration on the books of that hundred or election district, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that hundred or election district. And from the action of the Registration officers in so granting or refusing registration to any name received from the Auxiliary Registrar, any Registration officer or interested person may appeal as provided for in Section 4 of Article V of the amended Constitution.

List of those
registered for
inspection.

List not
registered.

Appeals.

Section 10. All registration fees received by the Registration officer of any district from the Auxiliary Registrar shall be held by him and delivered with other fees for the benefit of his county, whether the name of the party having paid the fee shall have been registered or not.

Registration fee.

Section 11. The Auxiliary Registration officer provided for by this Act shall receive such compensation per day as is allowed to Registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for traveling expenses as shall be approved by the State Auditor upon vouchers presented him.

Compensation
of Auxiliary
Registrar.

How paid.

Approved June 25, A. D. 1898.

CHAPTER 64, VOLUME 22.

AN ACT in relation to Registration Books which it is the duty of the Governor to cause to be prepared for the use of the Registration Officers in each Election District in the State including those in the City of Wilmington and certain entries thereon.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Registration
Books not to
contain columns
for entries as to
color.

Section 1. That hereafter it shall not be necessary to enter the color of the person applying to be registered on the books known as Registers which is the duty under the laws of this State of the Governor to cause to be prepared for the use of the Registration officers in each Election District in this State, including those in the City of Wilmington for the Registration of voters, and that hereafter such Registers shall not contain columns for entries as to color.

Specific age
not to be stated

Section 2. That after this Act becomes a law, it shall not be lawful to enter the age of any one applying to be registered on the books aforesaid in the column headed "age," but it shall be sufficient to enter that the applicant is "Twenty-one and upwards."

Section 3. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 14, A. D. 1901.

CHAPTER 56, VOLUME 23.

AN ACT amending Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware relating to appeals from the Decisions of the Registrars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware is hereby amended by striking out the words "Thursday next following the third Saturday of August" in the fourteenth line of said Section, and inserting in lieu thereof the words "the first Tuesday in September"; and by striking out the words "the Tuesday next following" in the twenty-third and twenty-fourth lines of said Section, and inserting in lieu thereof the words "the first Monday after the fourth Saturday in September"; and by striking out the words "the previous week" in the twenty-fifth and twenty-sixth lines of said Section; and by striking out all between the word "provided" in the forty-ninth line of said Section and the word "unless" in the fifty-fourth line of said Section, and inserting in lieu thereof the words "that appeals from the decisions of the registrations officers made on the first, second, third or fourth registration day shall not be received on the third or fourth appeal day."

Section 16,
Chapter 36,
Volume 21,
amended rela-
tive to time of
holding appeals
from decision of
Registrars.

Approved, March 20, A. D. 1905.

CHAPTER 38, VOLUME 21.

AN ACT in regard to General Election.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

General election
where held.

Section 1. The general election in and for the several counties of this State, on the Tuesday next after the first Monday of November, shall be held in the respective election districts of the Representative districts of said counties, at the places hereinafter appointed for that purpose, that is to say:

FOR THE CITY OF WILMINGTON.

Department of
elections to des-
ignate voting
places in
Wilmington.

The Department of Elections for the City of Wilmington, established by virtue of an Act of the General Assembly, entitled "An Act creating a Department of Elections for the City of Wilmington, approved May 20th, A. D. 1898, shall at the time of dividing the said city into election districts and establishing the boundries thereof, designate some suitable and proper place in each election district for holding the elections therein, and all persons entitled to vote in the said several respective election districts thus established, shall vote at the place designated and appointed by the said Department of Elections, for holding elections in the said several respective election districts.

Who to vote.

FOR NEW CASTLE COUNTY OUTSIDE OF THE CITY OF WILMINGTON.

6th Rep. Dist.
First Election
District.

The First Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Eastern Election District of Brandywine Hundred, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Brandywine Hundred.

Who to vote in.
Place of voting.

2d Election
District.

The Second Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Northern Election District of Brandywine Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Northern Election District of Brandywine Hundred.

Who to vote in.
Place of voting.

3d Election
District.

The Third Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred

heretofore known as the Southern Election District of Brandywine Hundred, and all persons entitled to vote in said Third Election District, shall vote at the place heretofore designated by law for holding elections in said Southern Election District of Brandywine Hundred.

Who to vote in.

Place of voting.

The First Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Newport Southern Election District of Christiana Hundred, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said Newport Southern Election District of Christiana Hundred.

7th Rep. Dist.
1st Election
District.

Who to vote in.

Place of voting.

The Second Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Marshallton Southern Election District of Christiana Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Marshallton Southern Election District of Christiana Hundred.

2d Election Dist.

Who to vote in.

Place of voting.

The Third Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Northern Election District of Christiana Hundred, and all persons entitled to vote in said Third Election District, shall vote at the place heretofore designated by law for holding elections in said Northern Election District of Christiana Hundred.

3d Election Dist.

Who to vote in.

Place of voting.

The Fourth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred as is now provided by law as the Western Election District of Christiana Hundred, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Christiana Hundred.

4th Election Dist

Who to vote in:

Place of voting.

The Fifth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred lying within the following boundaries: that commencing in the middle of public road at the Barley Mill, formerly operated by Pyle & McIntyre, running along the middle of the said road in a westerly direction past the St. Joseph's Catholic Church and across the Kennett Turn Pike; thence continuing along the said road by its various courses to the eastern bank of Red Clay Creek; thence along the said creek in a southerly direction by its several courses to the middle of the Lancaster Turnpike; thence along the middle of the said Turnpike in an easterly direction to the western boundary line to the City of Wilmington;

5th Election Dist

Boundaries.

thence following the said boundary line by its several courses in a northern direction to the south bank of the Brandywine; thence along the said Brandywine by its several courses in a westerly direction to the place of beginning, the Barley Mill: Being the East Election District of Christiana Hundred as formed by an Act of the General Assembly passed at Dover, March 19th, 1897, and all persons entitled to vote in said Fifth Election District shall vote at the public house of Thomas J. Lawless known as Mt. Pleasant Hotel in said East Election District of the Seventh Representative District.

8th Rep. Dist.
1st Election Dist. The First Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred heretofore known as the Mill Creek Eastern Election District, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Eastern Election District.

2d Election Dist. The Second Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as Mill Creek Northern Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Northern Election District.

3d Election Dist. The Third Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as Mill Creek Western Election District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Western Election District.

9th Rep. Dist.
1st Election Dist. The First Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek West Election District, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said White Clay Creek West Election District.

2d Election Dist. The Second Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek Central Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek Central Election District.

3d Election Dist. The Third Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek East Elec-

tion District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek East Election District.

Who to vote in.
Place of voting.

The First Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Eastern Election District of New Castle Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of New Castle Hundred.

10th Rep. Dist.
1st Election Dist.
Who to vote in.
Place of voting.

The Second Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Northern Election District of New Castle Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Northern Election District of New Castle Hundred.

2d Election Dist.
Who to vote in.
Place of voting.

The Third Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Western Election District of New Castle Hundred and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of New Castle Hundred.

3d Election Dist.
Who to vote in.
Place of voting.

The Fourth Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Southern Election District of New Castle Hundred, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said Southern Election District of New Castle Hundred.

4th Election Dist.
Who to vote in.
Place of voting.

The First Election District of the Eleventh Representative District shall embrace all that portion of Pencader Hundred heretofore known as North Pencader Election District of Pencader Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said North Pencader Election District of Pencader Hundred.

11th Rep. Dist.
1st Election Dist.
Who to vote in.
Place of voting.

The Second Election District of the Eleventh Representative District shall embrace all that portion of Pencader Hundred heretofore known as the South Pencader Election District of Pencader Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore des-

2d Election Dist.
Who to vote in.
Place of voting.

ignated by law for holding elections in said South Pencader Election District of Pencader Hundred.

12th Rep. Dist. The First Election District of the Twelfth Representative
1st Election Dist District shall embrace all that portion of Red Lion Hundred
heretofore known as the Red Lion Eastern Election District,
Who to vote in. and all persons entitled to vote in said First Election District
shall vote at the place heretofore designated by law for holding
Place of voting. elections in said Red Lion Eastern Election District.

2d Election Dist The Second Election District of the Twelfth Representative
District shall embrace all that portion of Red Lion Hundred
heretofore known as the Red Lion Western Election District,
Who to vote in. and all persons entitled to vote in said Second Election District
shall vote at the place heretofore designated by law for holding
Place of voting. elections in said Red Lion Western Election District.

13th Rep. Dist. The First Election District of the Thirteenth Representa-
1st Election Dist tive District shall embrace all that portion of St. George's Hun-
dred, heretofore known as the East St. George's First Election
Precinct, and all persons entitled to vote in First Election Dis-
Who to vote in. trict shall vote at the place heretofore designated by law for
holding elections in said East St. George's First Election Pre-
Place of voting. cinct.

2d Election Dist The Second Election District of the Thirteenth Represen-
tative District shall embrace all that portion of St. George's
Hundred heretofore known as the East St. George's Second
Election Precinct, and all persons entitled to vote in Second
Who to vote in. Election District shall vote at the place heretofore designated
Place of voting. by law for holding elections in said East St. George's Second
Election Precinct.

3d Election Dist The Third Election District of the Thirteenth Representa-
tive District shall embrace all that portion of St. George's Hun-
dred heretofore known as the West St. George's First Election
Precinct, and all persons entitled to vote in said Third Election
Who to vote in. District, shall vote at the place heretofore designated by law
Place of voting. for holding elections in said West St. George's First Election
Precinct.

4th Election Dist The Fourth Election District of the Thirteenth Representa-
tive District shall embrace all that portion of St. George's Hun-
dred heretofore known as the West St. George's Second Elec-
Who to vote in. tion Precinct, and all persons entitled to vote in said Fourth
Election District, shall vote at the place heretofore designated
Place of voting. by law for holding elections in said West St. George's Second
Election Precinct.

14th Rep. Dist. The First Election District of the Fourteenth Representa-
1st Election Dist tive District shall embrace all that portion of Appoquinimink

Hundred heretofore known as the Eastern Election District of Appoquinimink Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Appoquinimink Hundred.

Who to vote in.
Place of voting.

The Second Election District of the Fourteenth Representative District shall embrace all that portion of Appoquinimink Hundred heretofore known as the Western Election District of Appoquinimink Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Appoquinimink Hundred.

2d Election Dist
Who to vote in.
Place of voting.

The First Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Eastern Election District of Blackbird Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Blackbird Hundred.

15th Rep. Dist.
1st Election Dist
Who to vote in.
Place of voting.

The Second Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Western Election District of Blackbird Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Blackbird Hundred.

2d Election Dist
Who to vote in.
Place of voting.

FOR KENT COUNTY.

The First Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Eastern Election District of Duck Creek Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Duck Creek Hundred.

1st Rep. Dist
1st Election Dist
Who to vote in
Place of voting

The Second Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Western Election District of Duck Creek Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Duck Creek Hundred.

2d Election Dist
Who to vote in
Place of voting

The First Election District of the Second Representative District shall embrace all of Little Creek Hundred, and all per-

2d Rep. Dist
1st Election Dist

Who to vote in sons entitled to vote in said First Election District shall vote at
Place of voting the place heretofore designated by law for holding elections in
said Little Creek Hundred.

2d Election Dist The Second Election District of the Second Representative
District, shall embrace all that portion of East Dover Hundred
heretofore known as Election District Number One, of East
Who to vote in Dover Hundred, and all persons entitled to vote in said Second
Place of voting Election District, shall vote at the place heretofore designated
by law for holding elections in said election district Number
One of East Dover Hundred.

3d Rep. Dist The Election District of the Third Representative District,
Election Dist shall embrace all of Kenton Hundred, and all persons entitled
to vote in said Election District shall vote at the place hereto-
Who to vote in fore designated by law for holding elections in said Kenton
Place of voting Hundred.

4th Rep. Dist The Election District of the Fourth Representative District
Election Dist shall embrace all of West Dover Hundred and all that portion
of East Dover Hundred lying next to West Dover Hundred and
separated from the rest of East Dover Hundred by the follow-
ing boundary lines. Beginning at the middle of the public road
Boundaries leading from the Horsehead road to Kenton at the point of in-
tersection of Kenton Hundred and East Dover Hundred, thence
running along the middle of the said road to the Horsehead
road, thence running in a westerly direction along the middle
of the said Horsehead road a short distance to a short road
leading from the said Horsehead road to the road from Dover
to Hazlettsville, known as the Hazlettsville road, thence running
along the middle of the said short road from the Horsehead
road to the said Hazlettsville road, thence running in a westerly
direction along the middle of the said Hazlettsville road a short
distance to the road leading therefrom to Wyoming, thence run-
ning along the middle of the said road leading from the said
Hazlettsville road to Wyoming to the point of intersection of
Who to vote in East Dover Hundred and North Murderkill Hundred, and all
Place of voting persons entitled to vote in said Election District shall vote at
the place heretofore designated by law for holding elections in
West Dover Hundred.

5th Rep. Dist The First Election District of the Fifth Representative Dis-
1st Election Dist trict shall embrace all that portion of Election District Number
Two of East Dover Hundred which is not included in Repre-
sentative District Number Four, and all persons entitled to vote
Who to vote in in said First Election District shall vote at the place hereto-
Place of voting fore designated by law for holding elections in said Election Dis-
trict Number Two in East Dover Hundred.

2d Election Dist The Second Election District of the Fifth Representative
District, shall embrace all that portion of the Third Election

District of East Dover Hundred which is not included in Representative District Number Four, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Third Election District of East Dover Hundred.

Who to vote in
Place of voting

The First Election District of the Sixth Representative District shall embrace all those portions of North Murderkill and South Murderkill Hundred included within the following boundary lines: Beginning at a point on the Maryland line where the line dividing West Dover Hundred and North Murderkill Hundred intersects the same and running thence with said Maryland line south to the point where the northern boundary line of the Second Election District of the Sixth Representative District intersects the said Maryland line, thence easterly with said northern boundary line of said Second Election District to the road from Felton to Whiteleysburg, thence along said road to the Owl's Nest Road, thence running in a northerly direction along the middle of the said Owl's Nest Road to the intersection of the Cowgill Road from Woodside to Petersburg then running in a northeasterly direction along the middle of the said Cowgill Road to the Reed Road running from Woodside to DuPont's School House, thence running in a northwesterly direction along the middle of the said Reed Road to DuPont's School House, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden, a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's School House to the Alms House to Gray's Corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the place of beginning, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in the West Election District of North Murderkill Hundred.

6th Rep. Dist
1st Election Dist.

Boundaries

Who to vote in
Place of voting

The Second Election District of the Sixth Representative District, shall embrace all the portions of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines; beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running

2d Election Dist.

Boundaries.

in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's branch being the northwest corner of lands of Joseph Ward, thence running in an easterly direction with the course of said branch to the Delaware Railroad, thence running in a northerly direction along said Delaware Railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence westerly with the said last mentioned road to what is known as the "Big Ash," thence in a northerly direction with the public road leading by Willis' Chapel, thence by the public school house near Mrs. Charles Warren and on by Cohee's Shops and Sandtown, leaving the village to the north, thence by the county road leading from Sandtown to Greensboro to the Maryland line, thence by the said Maryland line south to the place of beginning, and all persons entitled to vote in said Second Election District shall vote at Masten's Corner at such place as shall be procured by the inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

Who to vote in

Place of voting

7th Rep. Dist
Election Dist

Who to vote in

Place of voting

The Election District of the Seventh Representative District shall embrace all that portion of North Murderkill Hundred not included in Representative District Number Six, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in the Eastern Election District of North Murderkill Hundred.

8th Rep. Dist

1st Election Dist

Boundaries

The First Election District of the Eighth Representative District shall embrace all that portion of South Murderkill Hundred which is not included in the Sixth Representative District, and which lies west of the following lines: Beginning at a point at or near Locust Grove school-house on the line dividing North and South Murderkill Hundreds, and running thence southerly by the public road leading to and by Virden's Mill, and thence southerly by the same public road to Boswell's Mill, thence southerly to the Felton and Frederica road, thence southwesterly with line of said Frederica and Felton road to Roe's Cor-

ner, on the road from Canterbury to Roe's Village, thence easterly by a public road to a public road leading to Spring Mills, and thence by the said last mentioned road to said Spring Mills, thence southerly to the line dividing Milford from South Murderkill Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated for holding elections in Election District Number One of South Murderkill Hundred.

Who to vote in
Place of voting

The Second Election District of the Eighth Representative District, shall embrace all that portion of South Murderkill Hundred lying east of the First Election District of the said Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated for holding elections in Election District Number Two of South Murderkill Hundred.

8th Rep. Dist
2d Election Dist
Who to vote in
Place of voting

The First Election District of the Ninth Representative District, shall embrace all that portion of Election District Number One of Mispillion Hundred not included in Representative District Number Six, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in Election District Number One of Mispillion Hundred.

9th Rep. District
1st Election Dist
Who to vote in
Place of voting

The Second Election District of the Ninth Representative District, shall embrace all that portion of Mispillion Hundred lying south of the First Election District of said Ninth Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in Election District Number Two of Mispillion Hundred.

2d Election Dist
Who to vote in
Place of voting

The First Election District of the Tenth Representative District, shall embrace all that portion of Milford Hundred included in the Eastern Election District of Milford Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Milford Hundred.

10th Rep. Dist
1st Election Dist
Who to vote in
Place of voting

The Second Election District of the Tenth Representative District, shall embrace all that portion of Milford Hundred included in the Western Election District of Milford Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Milford Hundred.

2d Election Dist
Who to vote in
Place of voting

FOR SUSSEX COUNTY.

The First Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred

1st Rep. District
1st Election Dist

heretofore known as the South Milford Election District of Cedar Creek Hundred and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said South Milford Election District of Cedar Creek Hundred.

The Second Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred heretofore known as the Lincoln Election District of Cedar Creek Hundred and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Lincoln Election District of Cedar Creek Hundred.

The First Election District of the Second Representative District shall embrace all that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' "Mills," to its mouth, being at the head of Middleford Mill Pond, and all persons entitled to vote in said First Election District shall vote at Owen's Station, at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Second Representative District.

The Second Election District of the Second Representative District shall embrace all of North West Fork Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said North West Fork Hundred.

The First Election District of the Third Representative District shall embrace all that portion of Nanticoke Hundred, which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond, and all persons entitled to vote in said First Election District shall vote at the place known as "Old Furnace," at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Third Representative District.

The Second Election District of the Third Representative District shall embrace all of Seaford Hundred, and all persons

entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Sea-
ford Hundred.

Who to vote in
Place of voting

The Election District of the Fourth Representative District shall embrace all of Broad Creek Hundred, and all persons entitled to vote in said Election District shall vote at the place now designated by law for holding elections in said Broad Creek Hundred.

4th Rep. Dist
Election District
Who to vote in
Place of voting

*The First Election District of the Fifth Representative District shall embrace all that portion of Little Creek Hundred, heretofore known as the West Election District of Little Creek Hundred and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said West Election District of Little Creek Hundred.

5th Rep. District
1st Election Dist
Who to vote in
Place of voting

†The Second Election District of the Fifth Representative District shall embrace all that portion of Little Creek Hundred heretofore known as the East Election District of Little Creek Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said East Election District of Little Creek Hundred.

2d Election Dist
Who to vote in
Place of voting

The First Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying north of the public road beginning at Millsboro Mills, and running with said public road or Main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said First Election District shall vote at the place called "Poll Dam," at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Sixth Representative District.

6th Rep. District
1st Election Dist
Boundaries
Who to vote in
Place of voting

The Second Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying south of the public road beginning at Millsboro Mills, and running with the said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said Second Election District shall vote at the

2d Election Dist
Boundaries
Who to vote in
Place of voting

*Amended. See Chapter 10, Volume XXII.

†Amended. See Chapter 10, Volume XXII.

town of Dagsboro at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

3d Election Dist The Third Election District of the Sixth Representative District shall embrace all of Gumboro Hundred, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Gumboro Hundred.

Who to vote in

Place of voting

7th Rep. District The First Election District of the Seventh Representative
1st Election Dist District shall embrace all that portion of Baltimore Hundred lying north of the public road beginning at the Baltimore mill dam and running down the public road by Peter R. Hickman, by way of the Trap school-house to H. H. Hickman's store, thence down said county road to a county road opposite the farm of George L. Barnett, thence running along said road to a bridge across William's Creek, known as Derrickson's old mill, being the North Election District of Baltimore Hundred as formed by the Act of the General Assembly, passed April 22d, 1897, and all persons entitled to vote in said First Election District shall vote at the school house of school district No. 181, in the town of Millville, in said First Election District of the Seventh Representative District.

Boundaries

Who to vote in

Place of voting

2d Election Dist The Second Election District of the Seventh Representative District shall embrace all that portion of Baltimore Hundred lying south of the public road beginning at the Baltimore Mill Dam and running down the public road by Peter R. Hickman, by way of the Trap School House to H. H. Hickman's Store, thence down said county road to a county road opposite the farm of George L. Arnett, thence running along said road to a bridge across William's Creek, known as Derrickson's Old Mill, being the South Election District of Baltimore Hundred, as formed by the Act of the General Assembly passed April 22, 1897, and all persons entitled to vote in said Second Election District, shall vote at Selbyville at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Seventh Representative District.

Boundaries

Who to vote in

Place of voting

8th Rep. District The Election District of the Eighth Representative District
Election District shall embrace all of Indian River Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Indian River Hundred.

Who to vote in

Place of voting

9th Rep. District The Election District of the Ninth Representative District
Election District shall embrace all of Georgetown Hundred, and all persons en-

titled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Georgetown Hundred. Who to vote in
Place of voting

The First Election District of the Tenth Representative District shall embrace all of Broadkiln Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Broadkiln Hundred. 10th Rep. Dist
1st Election Dist
Who to vote in
Place of voting

*The Second Election District of the Tenth Representative District shall embrace all of Lewes and Rehoboth Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Lewes and Rehoboth Hundred. 10th Rep. Dist
2d Election Dist
Who to vote in
Place of voting

Section 2. If at any time it shall be impracticable to hold the election in any election district at the place appointed by law, the Inspector of such election district or other officer authorized by law to hold the election therein shall have power to appoint some other place in said election district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed by advertisements posted in at least five of the most public places of the election district, if circumstances will admit of such notice being given, but if not then he shall give such public and general notice as the circumstances will permit. Change of voting
place
Notice.

Section 3. The Sheriff of each county shall, after the 23rd and before the 27th day of October, in the year of holding the general election, deliver to the Inspector of each election district or other officer authorized by law to hold the election therein, two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of the Election and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmation with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act. Sheriff to deliver
ballot boxes, list,
of officers, tally,
lists, etc.
Oaths.

Section 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the election district, with one of the Ballot boxes,
size, etc.

*Amended. See Chapter 12, Volume XXII.

tally lists and certificates of election; in the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot, and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape or sealing wax.

Tally lists.

Section 5. There shall be two of the said tally lists each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any other person will probably receive votes in the election district.

Certificates of election.

Section 6. There shall be two of the said certificates of election which may be according to the following form, viz.,

Form of,

..... County and Election District of Representative District, ss:
At the general election held in the said election district, on the Tuesday next after the first Monday in November, A. D., eighteen hundred and the votes stand as follows:

FOR THE OFFICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

..... Receivedvotes
..... Receivedvotes

FOR THE OFFICE OF GOVERNOR.

..... Receivedvotes
..... Receivedvotes

FOR THE OFFICE OF LIEUTENANT GOVERNOR.

..... Receivedvotes
..... Receivedvotes

FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS.

..... Receivedvotes
..... Receivedvotes

FOR THE OFFICE OF ATTORNEY GENERAL.

..... Receivedvotes
..... Receivedvotes

FOR THE OFFICE OF INSURANCE COMMISSIONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF STATE TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF AUDITOR OF ACCOUNTS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY IN
LIEU OF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF PROTHONOTARY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE PEACE.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER OF WILLS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECORDER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER IN CHANCERY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE ORPHANS' COURT.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF LEVY COURT COMMISSIONERS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECEIVER OF TAXES AND COUNTY TREASURER

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY COMPTROLLER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SHERIFF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CORONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ASSESSOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF INSPECTOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ROAD COMMISSIONER.

..... Receivedvotes
 Receivedvotes

And we further certify that the Clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we the Judges of said Election for said election district have hereunto set our hands the day and year aforesaid.

In the said written or printed forms of certificates before the same shall be delivered by the Sheriff as above directed, the name of the County and Election District and of Representative District and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted.

Filling blanks in certificates.

Section 7. The form of the oath or affirmation to be administered to the inspector or other officer authorized by law to hold the election and Judges shall be as follows, viz,

Oath of officers.

I,....., do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly or wilfully, receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such persons to be entitled to vote, that I will not receive or reject nor concur in receiving or rejecting any vote through partiality or undue bias and that I will determine every matter that shall come before me, and perform every act and duty by law required of me touching the said election, truly, faithfully and impartially according to the best of my skill and judgment and ability; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained and a true statement thereof to be made according to the best of my knowledge and ability and that if I shall discover any partiality, unfairness or corruption in the conducting of the said election, I will disclose the same to the Attorney General to the end that the subject may be investigated so help me God (or so I solemnly affirm). There shall be three distinct forms of the foregoing oaths or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2 and No. 3. On the same sheet after the last of said forms shall be written or printed a form for the certificate of the qualification of the Inspector or other officer authorized by law to hold the election and Judges as follows; to wit:

Form.

Three forms of oaths.

Certificate of qualification of officers.

.....County andElection District Representative District, ss. We, subscribers, Inspector (or other officers authorized by law to hold the election) and judges for said election district of the general election, therein held on the Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and.....certify that on said day, before

Form.

opening the said election in said election district, the foregoing oath or affirmation was duly administered to each of us, according to law."

Filling in blanks

The blanks in which said certificate shall be filled by the Sheriff or by his order, before delivering the same to the Inspector or other officer authorized by law to hold the election.

Inspector to give notice of time and place of election.

Section 8. The inspector or other officer authorized by law to hold the election of each election district shall within two days after receiving from the Sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his election district and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his election district.

Advertisements.

In case of absence of Inspector who to hold election.

Section 9. If at the time for holding the general election there shall be no Inspector or other officer authorized by law to hold the election of any election district, or if he shall be absent from the place of election at half past eight o'clock of the forenoon of the day of the election the Registrar of the said election district who shall be present with his Register and Book of Registered Voters for said district or in the event of the Registrar's absence the Alternate Registrar of said election district who may be present with a Register and a Book of Registered Voters of said election district shall serve as the Inspector for said Election District and perform all the duties required of him as such Inspector.

Inspectors to be judges and presiding officer.

Judges.

How chosen.

Section 10. The Inspector or other officer authorized by law to hold the election in any election district shall be a Judge of the general election held therein and the presiding officer. There shall also be two other judges of the said election one of whom shall be chosen by the County Committee of the Democratic party and the other by the County Committee of the Republican party. In making said appointments, the respective County Committees shall name and certify two persons respectively one of whom they shall designate as Judge and the other as Alternate Judge and said certification shall be presented to the inspector or other officer authorized by law to hold the election in the respective election districts on the morning of the general election and one hour before the opening of the polls. Should either or both of those designated to be the judge be absent, the person named for Alternate Judge shall be Judge; if from any cause both the persons named by either or both political parties should be absent a majority of the voters then present may elect such judge or judges in such a manner as at the time may be deemed most expedient for ascertaining the sense

When Alternate Judge to act.

In case of absence of Judges who to act.

of the majority; the person or persons so chosen shall be of the same political party as those persons in whose place they are respectively chosen. Political
complexion

Section 11. If any person chosen to be a Judge of an election in any election district, shall refuse to serve he shall forfeit and pay to the State a fine of fifty dollars upon conviction thereof by indictment in the Court of General Session in the county where such offense is committed. Refusal to serve
Penalty

Section 12. Before opening the election the inspector or other officer authorized by law to hold the election, and judges, shall each take an oath or affirmation according to the form prescribed in Section 7. Such oath to be administered to the Judges by the Inspector or other officer authorized by law to hold the election and by one of them to him and they shall each after taking such oath or affirmation sign one of the written or printed forms thereof delivered to the Inspector or other officer authorized by law to hold the election, by the Sheriff of the county as provided in Section 7, that is to say: The form distinguished as No. 1 shall be signed by the Inspector or other officer authorized by law to hold the election, his name being first inserted in the blank; the form No. 2 shall be signed by one of the Judges, his name being first inserted in the blank, and the form No. 3 shall be signed by the other Judge, his name being first inserted in the blank, before signing the said forms, it shall be ascertained whether the Inspector or other officer authorized by law to hold the election, or either of the Judges conscientiously refuse to take an oath, and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "swear or" in the beginning, and "so help me God" in the end of the form, but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words "or affirm" in the beginning, and the words "or so I solemnly affirm" at the end of the form. The Inspector or other officer authorized by law to hold the election and Judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms. Oath of Judge:
•
Signing oaths.
Affirmation
Signing of oath
by Inspector

Section 13. Each of the said Judges after being duly qualified shall choose one clerk of the election, to whom the Inspector or other officer authorized by law to hold the election, or one of the Judges shall administer an oath or affirmation as follows: Choosing clerks
Oath

You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls and perform your duties truly, faithfully and impartially, so help you God (or so you solemnly Form of oath,

affirm.) If in reading the votes and keeping the tally lists, it shall become necessary to appoint one or more additional clerks the Inspector or other officer authorized by law to hold the election, and Judges may do so, administering to each clerk so appointed the foregoing oath or affirmation, no other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the sixth section.

Additional clerks.

Oath.

Examination of ballot boxes.

Locking key, to whom delivered, by whom kept.

Section 14. Before opening the election the Inspector or other officer authorized by law to hold the election and Judges shall also examine the ballot box provided with a lock and key, and see that the same contains nothing. The box shall then be locked and the key delivered to one of the Judges, who shall keep the same, and the box shall be kept by the Inspector or other officer authorized by law to hold the election or the other Judge, so that the person having the key shall not have possession of the box till the same shall be opened as hereinafter directed.

Election officers to be in same room alone.

Others not admitted.

Others entering.

Misdemeanor. Penalty.

Section 15. The Inspector or other officer authorized by law to hold the election, and Judges of the election and the Clerk shall during the time of the election being open be and continue in a room or place by themselves, separate from the other electors, and no persons other than such Inspector or other officer authorized by law to hold the election, Judges and Clerk during the time of the election being opened shall be admitted within such room or place without the unanimous consent of the Inspector or other officer authorized by law to hold the election and the Judges, and if any person shall enter such room or place without such consent such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or be imprisoned for a term not less than one nor more than two years, or both, at the discretion of the Court.

Who to be in election room.

Others entering.

Interference, molestation, disturbance or delay.

Section 16. The Inspector or other officer authorized by law to hold the election, the Judges chosen as provided in Section 10 of this Act and the Clerk chosen as provided in Section 13 of this Act, shall be the only persons who may lawfully enter the voting room or place where the election is held, except as hereinbefore provided; and if any person or persons shall enter the voting room or place where the election is held before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the

election officers from proceeding regularly with any general or special election, or shall take charge or attempt to take charge of any voting room or place where the election is held within the time herein mentioned for the purpose of preventing or delaying an election, or for any other purpose on election day such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and shall be imprisoned for a term not exceeding three years, provided that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, but as soon as the election officers shall be qualified or ready to open the election, or the proper hour therefor having arrived such representatives of each political party shall immediately retire from the voting room or the place where the election is held.

Penalty.

Representative
of each party to
be present at
opening.

To retire when.

Section 17. The general election shall be opened in every election district of the State on the Tuesday next after the first Monday in the month of November in the year in which the same is held, between the hours of *eight and nine o'clock in the morning, by the Inspector, or other officer authorized by law to hold the election, making proclamation that the same is open.

Hour of opening
election.

By whom.

Section 18. Each qualified elector shall deliver a single ballot which shall conform to the requirements of the law of this State as to ballots for any general or special election, containing the names of persons voted for to the Inspector or other officer authorized by law to hold the election, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list as contained in the "Book of Registered Voters" delivered by the Registrar to the Inspector or other officer authorized by law to hold the election, the word "voted." There shall be no examination of a ballot except to determine that it is single; and the Inspector or other officer authorized by law to hold the election shall, immediately after pronouncing the elector's name put the ballot into the box in his presence, unless the vote shall be objected to.

Voting.

Entry of
names, etc.Ballots not to be
examined.Depositing
ballot.

Section 19. The Inspector or other officer authorized by law to hold the election, shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his name shall have been found in the list of registered voters as contained in the Book of Registered Voters delivered

What ballots not
to be received.

*Amended. See Chapter 57, Volume XXIII.

to him for the purposes of said election, and the Judges, or a majority of them shall be satisfied that the person so offering to vote is the person named in said list; but no objection to the vote of any person whose name shall have been found on said list as contained in said Book of Registered Voters shall be entered or considered by the Judges of the elections except for the following reasons, to wit:

Reasons for
objection to
votes.

First. That he is not the person whose name appears in said Book of Registered Voters.

Second. That he has become disqualified as a voter since he was registered.

Determination
of objection.

If a vote be objected to for any of the reasons above mentioned its admission or rejection shall be determined according to the opinion of a majority of the judges; and

Bribery.

Third. That no person who shall receive or accept or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding or in any manner influencing the giving or withholding a vote at any general election in this State, shall vote at such election unless such person being challenged for any of said causes, shall take and subscribe to the following oath or affirmation which shall be administered by the Inspector or other officer authorized by law to hold the election:

Oath.

I.....do solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid, or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding a vote at this election.

Signed

Sworn and subscribed to before me this day
of November A. D. 189.....

.....
Inspector.

Oaths to be con-
clusive evidence.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof

shall bar any prosecution under Section 8 of Article V of the Constitution of this State. In order to enable the election officers to carry into effect the provisions of this Section, the Sheriff of each county shall cause to be prepared a book containing not less than five hundred blank forms of the oath or affirmation provided for in this Section, and shall cause one of said books to be delivered to the Inspector or other officer authorized by law to hold the election in each of the election districts of his county at the time provided in Section 3 of this Act. Such oath or affirmation when signed and attested as herein provided, shall be competent evidence in any proceeding against the party making the same.

Book of oaths.

Delivery of.

Oath to be evidence.

Section 20. The election shall be continued open until six o'clock in the afternoon when it shall be closed. The Inspector or other officer authorized by law to hold the election, shall one-half hour before closing the election make proclamation that the same will be closed in that time.

Closing election.

Section 21. When the election shall be closed the Inspector or other officer authorized by law to hold the election, and Judges, shall openly and publicly unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box, one of the judges shall keep in his custody the said box, while another shall publicly, in the presence of the other Judges and such of the electors as shall think proper to be present take the ballots one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the Sheriff to the Inspector or other officer authorized by law to hold the election, as provided in the third section, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the Judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office, and each square when full shall contain five rows of dots, each row consisting of five dots and each clerk shall upon reading of the name repeat it with the number of the dots in the row pronouncing at the last dot in the square "tally full," and at the first dot of the succeeding square "one of a new," if the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office. The reading and counting of the votes shall be continued, without interruption or adjournment until completed.

Counting of votes.

Account how kept.

Counting not to be interrupted.

Certificates, of
result, signing.

Form.

Certificate to be
placed in
envelopes.

Entry on
envelopes.

Election officers
to write their
names on the
sealing.

Signing of
tally lists.

Deposit.

Securing and
sealing lid of
box

Custody of
certificates.

Delivery of
certificates and
ballot box.

To whom
delivered.

Delivery to
Court.

Duty of Court.

Canvass of
election.

Section 22. When the reading and counting of the votes is completed the Inspector or other officer authorized by law to hold the election and Judges shall forthwith make and sign three certificates of the election in their election district according to the form prescribed in Section 6 stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number, in words at length, of votes given to such person for the said office. The said certificates shall be put in separate envelopes, which shall be furnished by the Sheriff, and said envelopes shall be endorsed on the face thereof with the words "Certificate of the votes cast in..... election district of..... Representative District at the general election in.....county, A. D.....," and on the back of each envelope after the same shall have been sealed the Inspector or other officer authorized by law to hold the election and Judges shall respectively write their names crosswise the sealing.

The tally lists shall be signed by the Inspector or other officer authorized by law to hold the election, Judges and Clerks, and deposited with one of said envelopes containing a certificate in the box into which the ballots shall have been put when read and the lid of said box shall be secured by tape crossed and sealed with sealing wax by one of the Judges not being the Inspector or other officer authorized by law to hold the election, one of the said envelopes containing a certificate and the ballot boxes shall be kept by the Inspector or other officer authorized by law to hold the election, the other and remaining envelope containing a certificate shall be kept by one of the Judges not being of the same political party as the Inspector or other officer authorized by law to hold the election.

Section 23. The presiding election officer of each election district in the respective counties of this State, on the day next after the general election, shall deliver one of the envelopes containing a certificate of the election, made and certified as hereinbefore required, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer having charge of any other certificate of the election shall at the same time present the same to the said Court, and the said Court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said Court with the aid of such of its officers and such sworn assistants as it shall appoint shall publicly ascertain the state of the election throughout the county and in the respective hun-

dreds and election districts, by calculating the aggregate amount of all the votes for each office that shall have been given in all the hundreds and election districts of the county for every person voted for for such office.

For the purposes of this Section the Superior Court shall consist in New Castle County of the Chief Justice and the Resident Associate Judge; in Kent County of the Chancellor and the Resident Associate Judge; and in Sussex County of the Resident Associate Judge and the remaining Associate Judge, who shall for the purpose of this Act be a Board of Canvass for the respective counties of this State; in case the certificates of election of any election district in the county shall not be produced or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificates or in case of fraud or mistake is apparent on the face of any such certificate the Court shall have the power to issue summary process against the election officers of such election district or any other persons to bring them forthwith into Court with the election papers in their possession or under their control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

Of whom Court
to consist.

Court to be
Board of Can-
vass.

Powers of Court

Opening ballot
boxes.

Section 24. If the presiding election officer of any election district after the election shall die or be prevented by sickness or accident from delivering the certificate of election, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, as required in the preceding section, the said certificate of election and ballot boxes for his election district shall be sent by safe and secure conveyance (for the safety of which the persiding election officer or his executors or administrators or heirs shall be responsible) to the Prothonotary on the day next succeeding the day of the general election.

Death, sickness
or accident, of
presiding elec-
tion officer.

Sending certi-
ficates, etc.

Section 25. After the state of the election shall have been ascertained by calculating the votes as aforesaid the said Superior Court shall make under the seal of said court the following certificates, to wit:

Certificates
of result.

Three certificates of the election of electors of President and Vice President of the United States, certifying in words at length the number of votes given for every person voted for, for that office.

Four certificates of the election of Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Lieutenant Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Attorney General, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Insurance Commissioner, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of State Treasurer, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Auditor of Accounts, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a Senator for
 Senatorial District of the County in the General Assembly.

Two certificates of the election of a Representative for
 Representative District of the county in the
 General Assembly.

Two certificates of the election of Prothonotary.

Two certificates of the election of Clerk of the Peace.

Two certificates of the election of Register of Wills.

Two certificates of the election of Recorder.

Two certificates of the election of Register in Chancery.

Two certificates of the election of Clerk of the Orphans' Court.

One certificate of the election of Levy Court Commissioners for Levy Court District (New Castle County.)

One certificate of the election of Levy Court Commissioner for Representative District (Kent County.)

One certificate of the election of Levy Court Commissioners or of such of said officers as shall have been voted for at the said election.

One certificate of the election of County Treasurer.

One certificate of the election of Receiver of Taxes and County Treasurer.

One certificate of the election of County Comptroller.

Two certificates of the election of Sheriff.

Two certificates of the election of Coroner.

One certificate of the election of Assessor for.....
Assessment District or Hundred (in New Castle County.)

One certificate of the election of Assessor for.....
.....Representative District (in Kent County.)

One certificate of the election of Assessor for.....
.....Hundred (in Sussex County.)

One certificate of the election of Inspector for.....
.....Election District of.....Representative District.

One certificate of the election of Road Commissioners for
.....Hundred (New Castle County.)

The said Superior Court shall inclose and seal up each of said certificates separately in an envelope, with an endorsement thereon describing the certificates inclosed. Upon the paper inclosing the certificates of the election of Senator or Representative in the General Assembly, the name of the person chosen shall be endorsed. The said Court shall deliver the ballot boxes to the Sheriff of the county, to be by him kept and delivered as required by law.

Sealing
certificates.
Endorsement.

Delivery of
ballot boxes
to Sheriff.

Section 26. The aforesaid certificates may be according to the following form, to wit:

Form of
certificate.

The State of Delaware.....County, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand.....hundred and.....for.....County, according to the Constitution and laws of the State of Delaware (here insert, to wit.: If the certificate be of an election of electors of President and Vice President, of Governor, of Lieutenant Governor, of Representative in Congress, of Attorney General, of Insurance Commissioner, of State Treasurer, of Auditor of Accounts, the number in words at length of votes given for each person voted for, for said respective offices; if the certificate be of an election of Senator or Representative in the General Assembly, or, of Prothonotary, of Clerk of the Peace, of Register of Wills, of Re-

corder, of Register in Chancery, of Clerk of the Orphans' Court, of Levy Court Commissioner or Commissioners, of County Treasurer, of Receiver of Taxes and County Treasurer, of County Comptroller, of Sheriff, of Coroner, of Assessor, of Inspector or of Road Commissioner, the names of the persons elected), which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

In testimony whereof, we.....and..... constituting the Superior Court for.....County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county, on this.....day of November, A. D.....

Manner of filling
up certificate.

And the manner of making the insertion aforesaid may be as follows, to wit.:

IN CASE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

..... votes were given forfor Elector
..... votes were given forfor Elector
and so on, naming each person voted for.

IN CASE OF GOVERNOR.

..... votes were given for for Governor
..... votes were given for for Governor
and so on, naming each person voted for.

IN CASE OF LIEUTENANT GOVERNOR.

..... votes were given for for Lieutenant Governor
..... votes were given for for Lieutenant Governor
and so on, naming each person voted for.

IN CASE OF REPRESENTATIVE TO CONGRESS.

.... votes were given forfor Representative to Congress.
.... votes were given forfor Representative to Congress.
and so on, naming each person voted for.

IN CASE OF ATTORNEY GENERAL.

..... votes were given for for Attorney General
..... votes were given for for Attorney General
and so on, naming each person voted for.

IN CASE OF INSURANCE COMMISSIONER.

..... votes were given forfor Insurance Commissioner
 votes were given forfor Insurance Commissioner
 and so on, naming each person voted for.

IN CASE OF STATE TREASURER.

..... votes were given for for State Treasurer
 votes were given for for State Treasurer
 and so on, naming each person voted for.

IN CASE OF AUDITOR OF ACCOUNTS.

..... votes were given for for Auditor of Accounts
 votes were given for for Auditor of Accounts
 and so on, naming each person voted for.

IN CASE OF SENATORS TO GENERAL ASSEMBLY.

..... was duly elected Senator for the
 Senatorial District for said county in the General Assembly; and so on giving certificates for each Senator elected in the respective Senatorial Districts of the county; and
 was duly elected Senator for the Senatorial District for said county in lieu of..... late Senator for said Senatorial District of said county in the General Assembly; and so on giving certificates for each Senator elected in lieu of any other Senator for any Senatorial District for said county in the General Assembly.

IN CASE OF REPRESENTATIVES TO GENERAL ASSEMBLY.

..... was duly elected Representative for the
 Representative District for said county in the General Assembly; and so on, giving certificates for each Representative elected in the respective Representative Districts of the county.

IN CASE OF PROTHONOTARY.

.....was duly elected Prothonotary for.....
 County.

IN CASE OF CLERK OF THE PEACE.

.....was duly elected Clerk of the Peace for.....
 County.

IN CASE OF REGISTER OF WILLS.

.....was duly elected Register of Wills for.....
 County.

IN CASE OF RECORDER.

.....was duly elected Recorder for.....
County.

IN CASE OF REGISTER IN CHANCERY.

.....was duly elected Register in Chancery for.....
.....County.

IN CASE OF CLERK OF THE ORPHANS' COURT.

.....was duly elected Clerk of the Orphans' Court for
.....County.

IN CASE OF LEVY COURT COMMISSIONERS
FOR NEW CASTLE COUNTY.

.....was duly elected Levy Court Commissioner for
.....District in said County; and so on, giving a certificate for each Levy Court Commissioner elected in each district in said County.

IN CASE OF LEVY COURT COMMISSIONERS
FOR KENT COUNTY.

.....was duly elected Levy Court Commissioner for
.....Representative District in said County; and so on, giving a certificate for each Levy Court Commissioner elected in each Representative District in said county.

IN CASE OF LEVY COURT COMMISSIONERS
FOR SUSSEX COUNTY.

.....was duly elected Levy Court Commissioner for
.....Hundred in said county, and so on, for each Levy Court Commissioner elected for any hundred in the county.

IN CASE OF COUNTY TREASURER (IN KENT AND
SUSSEX COUNTY.)

.....was duly elected County Treasurer for.....
County.

IN CASE OF RECEIVER OF TAXES AND COUNTY
TREASURER (IN NEW CASTLE COUNTY.)

.....was duly elected Receiver of Taxes and County
Treasurer for said county.

IN CASE OF COUNTY COMPTROLLER (IN NEW
CASTLE COUNTY.)

.....was duly elected County Comptroller for New
Castle County.

IN CASE OF SHERIFF.

.....was duly elected Sheriff for.....County.

IN CASE OF CORONER.

.....was duly elected Coroner for.....
County.

IN CASE OF ASSESSOR IN THE CITY OF WIL-
MINGTON.

.....was duly elected Assessor for.....As-
sessment District of the city of Wilmington, and so on, giving
certificates for each Assessor elected in the respective assess-
ment districts in the city of Wilmington.

IN CASE OF ASSESSOR IN NEW CASTLE COUNTY
OUTSIDE THE CITY OF WILMINGTON.

.....was duly elected Assessor for.....
.....Hundred in said county, and so on, giving
certificates for each Assessor elected in the respective Hundreds
of said county.

IN CASE OF ASSESSOR IN KENT COUNTY.

.....was duly elected Assessor for.....
Representative District in said County, and so on, giving cer-
tificates for each Assessor elected in the respective Representa-
tive Districts in said county.

IN CASE OF ASSESSOR IN SUSSEX COUNTY.

.....was duly elected Assessor for.....
Hundred in said county, and so on, giving certificates for each
Assessor elected in the respective Hundreds of said county.

IN CASE OF INSPECTOR OUTSIDE OF THE CITY OF
WILMINGTON.

.....was duly elected Inspector for.....
Election District of.....Representative Districts
for.....County, and so on, giving certificates
for each Inspector elected in each election district in each Rep-
resentative District for the respective counties.

IN CASE OF ROAD COMMISSIONERS FOR NEW CASTLE COUNTY.

.....was duly elected Road Commissioner for
.....Hundred of said county, and so on, giving
certificates for each Road Commissioner elected in said county.

Tie votes.

Certificate of
tie to be deliv-
ered to
Governor.

Section 27. If, by reason of an equal number of votes having been cast for two or more persons for the office of Senator or Representative in the General Assembly, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Register in Chancery, Clerk of the Orphans' Court, Levy Court Commissioners, County Treasurer, Receiver of Taxes and County Treasurer, County Comptroller, Sheriff, Coroner, Assessor, Inspector or Road Commissioner (for New Castle County,) it shall appear to the said Court that a vacancy will occur in said office, a certificate of such fact shall thereupon be made under the hands of the said Superior Court, and under the seal of said Court, which certificate shall be transmitted by the said Court to the Governor, and the aforesaid certificate of election shall be delivered as hereinafter is provided.

Delivery of cer-
tificates of elec-
tion by Court.

Section 28. The said Superior Court, shall within three days after making the certificates of the election for Electors of President and Vice-president, either personally, or by a person deputed by it for that purpose, transmit, deliver and lodge the said certificates of the election for Electors of President and Vice-president, as follows, to wit:

Duplicate
returns.

Delivery of.

One to the Governor, another to the Secretary of State, and the other to the Prothonotary of the County; and shall transmit, deliver and lodge the certificates of the election for Governor, according to the directions of the Constitution in that behalf, and shall transmit, deliver and lodge one of the said certificates of the election for Lieutenant Governor to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county, and shall transmit, deliver and lodge one of each of said certificates of the election for Representative, or Representatives, in the House of Representatives of the United States to the Governor, and lodge the other of the said certificates in the office of the Clerk of the Peace of the county; and shall transmit, deliver and lodge one of the certificates of the election for Attorney General, for Insurance Commissioner, for State Treasurer

and for Auditor of Accounts to the Governor and the other of said certificates in the office of the Prothonotary of the county; and shall transmit and deliver one of said certificates of the election of Senator and one of said certificates of the election of Representative in the General Assembly, in the office of the Prothonotary for Kent county, and further shall deliver, on the first day of the meeting of the General Assembly after the election the other certificate of the election of Senator to the Senate, and the other certificate of the election of Representative to the House of Representatives; and shall transmit and deliver one of said certificates of the election of Prothonotary, of the Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphans' Court, of Sheriff and of Coroner, to the Governor and the other of said certificates to the Clerk of the Peace of the county, except the one for Clerk of the Peace, which shall be delivered to the Prothonotary; and shall transmit and deliver the certificate of the election of each Levy Court Commissioner, in New Castle and Kent counties, and the certificate of the election of Levy Court Commissioners in Sussex county to the Clerk of the Peace of the respective counties; and shall transmit and deliver the certificate of election of the County Treasurer, of Receiver of Taxes and County Treasurer (in New Castle County) and of Comptroller (in New Castle County), to the Clerk of the Peace of the county; and shall transmit and deliver one of the certificates of the election of Assessor, of Inspector and of Road Commissioner (in New Castle County) to the Clerk of the Peace of the county, to be laid before the Levy Court, and one for each of said officers to the Sheriff of the county to be by him delivered to the respective parties certified to have been elected. The Prothonotary of Kent county shall, on any day of the meeting of the General Assembly, deliver, if required, the certificates of election of Senators or of Representatives to the order of the House to which it belongs, or to the person named in the endorsement thereon.

Prothonotary to deliver certain certificates to General Assembly.

Section 29. Each Inspector or other officer authorized by law to hold the election, shall, on the day next after the general election, deliver into the office of the Clerk of the Peace of his county, the oaths or affirmations that shall have been signed by the Inspector, or other officer authorized by law to hold the election and Judges of the election in his election district, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the twelfth Section of this Act, and the two lists of the polls kept at the election as before directed, and the Register and the Book of Registered Voters, certified to by the registration officers, with the notes of "voted," as the same shall have been made in said last men-

Inspectors to deliver oaths, etc., to Clerk of the Peace.

tioned book on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such, admissible as evidence.

Sheriff to preserve ballot boxes, etc.

Expiration of term of office of Sheriff.

Section 30. The Sheriff shall preserve the ballot boxes containing the ballots, and other papers required by law to be placed therein, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election. If the term of office of the said Sheriff shall expire prior to the said last day of February, he shall deliver, within two days after the expiration of his term, the said ballot boxes, containing the ballots and other papers required by law to be placed therein, preserved in the same manner in which they were when delivered to him, to his successor in office, who shall safely and securely keep the same in the manner in which the same shall have been delivered to him, until the said last day of February next after the election.

Power of Senate to compel delivery of ballot boxes

Refusal of Sheriff.

House of Representatives to have like power.

Section 31. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, and for that purpose to order and cause to be arrested and brought before them any Sheriff having the custody of the said ballot boxes, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such ballot boxes and to proceed against him accordingly, and the House of Representatives shall have power to compel the delivery of said ballot boxes in like manner and by like proceedings.

Duty of Governor to examine returns.

Certificate of election.

Filing.

Proclamation by Governor of State by vote.

Section 32. The Governor, after receiving the certificates of the state of the votes of the respective counties of the State, under the seal of the Superior Court, for the office of Attorney General, Insurance Commissioner, State Treasurer and Auditor of Accounts, or any of whom as shall have been voted for at the preceding general election, shall, without delay, examine the returns and declare the person or persons elected, and shall issue certificates of such election under his hand, and the same, together with the returns, shall be filed in the office of the Secretary of State, and the Governor shall by proclamation make public the state of the vote by causing the same to be published in one or more of the public newspapers of the respective counties of this State, and shall issue commissions to the persons elected, as required by the Constitution in that behalf.

Section 33. That all Acts or parts of Acts supplied by this Act or inconsistent with the provisions thereof are hereby repealed and made null and void.

Approved June 1, A. D. 1898.

CHAPTER 37, VOLUME 19.

AN ACT to provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That hereafter it shall be the duty of each Inspector of Elections in this State, outside of the city of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters.* Provided, however, that if any Inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

Duty of Inspector to provide a room for holding elections.

Place of holding elections.

Notice of change of place of holding elections.

Plan of room and entrance.

The Inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in said room as to enable the election officers and the challengers hereinafter provided for to easily communicate with each other. He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; provided that there shall not be less than three booths at any one hundred or election district. The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and provided with pen and ink and they shall be so constructed and arranged that all the election officers in the

Interior appliances of room.

Booths.

Size and arrangement of booths.

*See Section 2, of Chapter 38, Volume XXI.

Duty of the department of elections in the City of Wilmington, in providing conveniences for elections.

room can see whether more than one voter enters any one of them at any one time. In the City of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the Inspectors of Election outside of the City of Wilmington in and about the furnishing and fitting up of said room.

Challengers.

Section 2. *Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the Inspector and Judges to make such selection or selections, provided that the challengers may be exchanged and their places filled in like manner during the day.

What shall constitute a political party under this Act.

Section 3. A political party within the meaning of this Act shall be an organization of bonafide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least one hundred bonafide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bonafide voters represented by any organization in any county, he may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Clerk of the Peace may demand certificate of organization.

Clerks of Peace to print ballots.

Section 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots, herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representatives in Congress and Presidential Electors shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nominations of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificates shall

Nomination to be certified to Clerk of the Peace.

*See Section 3 Chapter 356, Volume XX, printed after this Act.

be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificates shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgements of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Form of certificate.

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. Provided that the figure or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to designate figure or device of party.

Figures or devices of parties.

What figures or devices may be used.

What shall not be used.

In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees. In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title, figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title or figure or

Death, resignation or removal of candidates.

In case of division and factions in parties, who shall use party figure or device.

How decided.

device for the other faction. Provided that in case of division in any party extending only throughout a county, district or hundred, the Clerk of the Peace of the county in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

Clerk of the Peace to preserve all certificates of nominations.

Section 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Time of filing certificates of nominations.

Section 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

Publication of nominations.

Section 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. Provided, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far as practicable in the order and form in which they will be printed upon the ballots, and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot as hereinafter provided.

In what newspapers published.

Arrangement of nominations for publication.

What nominations shall be excluded from publication and from the ballots.

Clerks of the Peace to print ballots.

Section 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns in one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates, or if none be designated under some suitable title and

device to be selected by the Clerk of the Peace.* The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given, and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.†

Size, form, style
and color of
ballots.

.....
.
DEVICE
DEMOCRATIC
TICKET.
.
.....

.....
.
DEVICE
REPUBLICAN
TICKET.
.
.....

Arrangement of
ballots.

For Governor :
A. B.

For Governor :
E. F.

For Representative
in Congress :
C. D.

For Representative
in Congress :
G. H.

Section 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by anyone except such election officers and such chairman, and it shall be the duty of the Clerks of Election to put one of such pasters in a careful and proper manner and in the proper place in each ballot before they shall sign their initials thereon.

Death, removal
or resignation of
candidates after
printing of
ballots.

New nomina-
tions, pasters,
etc.

Duty of clerks
of election in
using such
pasters.

Section 10. If the printer of such ballots or any person employed in printing the same shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Clerk of the Peace for whom such ballots are being printed or shall print, or cause or permit to be printed any bal-

Printer of bal-
lots to allow no
ballots to be
taken out, nor
to print in any
other form.

*Clerk of the Peace to fold ballots. See Section 8, Chapter 396, Volume XX.

†See Section 2 of Chapter 396, Volume XX.

lot in any other form than the one prescribed by this act, or with any other names thereon than those authorized by the Clerk of the Peace or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Clerk of the Peace, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years or both at the discretion of the Court.

Penalty.

Number of ballots to be printed.

Section 11. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware in the form hereinbefore provided four ballots for every voter in each hundred or election district in his county, and the number of voters shall be ascertained in each hundred or election district by reference to the highest number of votes polled therein at any preceding election with due allowance for any estimated increase thereof. If a new election district has been established in his county the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

Number of voters; how ascertained.

Packages of ballots.

*The Clerk of the Peace shall cause the ballots for each hundred or election district to be carefully wrapped and tied in two packages each containing the same number of ballots, which packages shall be plainly marked and securely sealed with wax.

Stamp.

†The Clerk of the Peace in each county shall also provide and enclose in each of said sealed packages one stamp for every three hundred ballots contained in the package, bearing a (*) or such other device as he may select, together with ink pads or other necessary apparatus ready for use.

Duty of Inspectors of election to appear at the office of Clerk of the Peace to receive ballots on day before election.

Section 12. It shall be the duty of each Inspector of election outside of the city of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon, and the Clerk of the Peace shall deliver to him one of the sealed packages of ballots and stamps for his hundred or election district, and the said Inspector shall safely keep the said package and produce the same at the place of election and at the time of the opening of the election, provided, however, that in case there shall be a vacancy in the office of any Inspector on the day preceding the election, or any Inspector for any cause shall not apply to the proper Clerk of the Peace for the package of tickets printed for his hundred or election district by the hour of three o'clock in the afternoon of the day preceding the elec-

To keep safe.

Failure of the Inspector to call for tickets, Clerk of the Peace to deliver to whom.

*Clerk of the Peace to fold ballots. See Section 9, Chapter 396, Volume XX.

†Clerk of the Peace to supply indelible black lead pencil or crayon. See Chapter 62, Vol. 22.

tion the said Clerk of the Peace shall deliver said package to some trusty person who shall deliver it on the day of the election to the Inspector of Election of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

In the city of Wilmington it shall be the duty of the President of the Department of Elections, or in case he cannot attend some other member of the Department of Elections authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle county on the day preceding each election on or before the hour of three o'clock in the afternoon and the said Clerk of the Peace shall deliver to him one of the sealed packages and stamps for each election district in the city of Wilmington. And the said department of elections shall safely keep the same and deliver to each board of election officers and at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes the ballots intended for their several and respective districts.

To whom tickets delivered in the City of Wilmington.

Section 13. Any Inspector or any other election officer or any other person whatever who shall break any package containing ballots and ** or take any ballot therefrom, or suffer the same to be done by another, before the opening of the election shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than three hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not less than one year nor more than two years.

Penalty of election officer or other person breaking package containing ballots, etc., before opening of election.

Section 14. If by any action or casualty the ballots delivered to any inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said package fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers

Loss or destruction of ballots.

New supply of ballots.

In case election officers find no ballots or means of voting at election.

Proviso.

shall have ballots printed or written; provided, however, that such ballots shall conform as nearly as possible to the official ballots and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots prescribed in this act.

Opening of
package of
ballots.

Duty of clerk
of election.

Delivery of
ballots.

Instructions
for voting.

Inspectors to
have cards
posted.

Form of cards
of instruction.

Section 15. At the opening of the election, after the qualification of the several officers and in the presence of the others the Inspector or the chairman of the Board of Inspectors shall open the package of ballots in such a manner as to preserve the seals intact. He shall then deliver to the Clerk of the Election of the opposite political party from his own, twenty-five of the ballots and to the other Clerk of the Election the ** for marking the ballots. The Clerks of the Election shall at once proceed to write their initials, in ink, †(across the back of the ballot as folded and near the middle thereof,) in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the Clerk of the Election having custody of the ballots shall deliver to him the first signed of the twenty-five ballots, and the Inspector shall immediately deliver to the said Clerk of the Election another ballot which the Clerks of the Election shall at once countersign, as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all of those theretofore countersigned.

Section 16. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the Election Inspectors at the same time he delivers to him the ballots for his hundred or election district. Each Inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done; First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot

*Amended. See Chapter 62, Volume XXII.

†See Section 9, Chapter 396, Volume XX.

in place of one accidentally defaced, mutilated or spoiled, also copies of Sections 24, 32, 33, 34 and 35 of this Act.

Section 17. One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room.* No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, and voters shall approach and enter the passage in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any one of the election officers his right to vote shall be at once determined by the proper officers, and if his vote is refused he shall immediately stand aside and give place to the person next in line and retire without delay from within the thirty feet space around the entrance to the room.

Challengers,
where to stand.

No other persons except to vote, to be within 30 feet of entrance.

Challengers.

Section 18. Inoperative. See Section 1, Chapter 396, Volume XX.

Section 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. Provided, however, that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the Clerks of election, who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a * * * * * See Sec. 1, Chap. 396, Vol. 20. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote.† Before leaving the booth or compartment the voter shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the Clerks of the election shall be exposed, and on leaving the booth or compartment shall return the * * * to the Clerk of the election and deliver the ballot to the Inspector or to the Judge who may temporarily be authorized to act for the Inspector, who shall forthwith in the presence of the voter and of the other election officers deposit the same in the ballot box, and the Clerks of the election shall write the word "voted" after the name of the voter on the poll list. Provided, however, that if any elector shall show his ballot or any part thereof to any person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not

Admission of voter to election room.

Number of voters admitted to election room.

Ballot and pencil, by whom delivered.

Duties of voter.

Preparing ballot.

How deposited.

Duty of clerks.

Proviso.

What ballots shall not be deposited.

*See Section 3, Chapter 396, Volume XX.

†See Section 2, Chapter 396, Volume XX.

No voter to leave the room with ballot and pencil.

To be arrested.

Number of persons in room at one time.

Time for voting.

Conversation.

Defaced or mutilated ballots.

What ballots not deposited.

Penalty for removing or attempting to remove ballots or pencil from room, or having any ballot or pencil outside election room.

Oaths of election officers.

be allowed to vote thereafter. The voter shall immediately after voting leave the room, and upon his refusal to do so may be ejected therefrom, but no voter to whom a ballot and * * or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the Clerk of the election or without returning the * * to the Clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or * * in his possession shall be at once arrested on demand of an election officer.

Section 20. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.*

Section 21.. Any person who shall by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the Clerks of the Election and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

Section 22. Supplied by Section 1, Chapter 396, Vol. 20..

Section 23. No Inspector of election, or Judge acting for the Inspector, shall deposit any ballot upon which the initials of the Clerks of the election as hereinbefore provided for does not appear or any ballot on which appears externally any distinguishing mark, defacement or mutilation.†

Section 24. Any person who shall remove or attempt to remove a ballot or stamp from the election room, or have in his possession outside of the election room any ballot or (‡) either genuine or counterfeit, during the election, shall be guilty of a misdemeanor, and, on conviction thereof by indictment, shall be fined not less than two hundred dollars and not more than five hundred dollars or may be imprisoned for a term not exceeding two years and not less than one:

Section 25. That the election officers, * * * before entering upon the duties of their office shall each take an oath:

*See Section 7, Chapter 396, Volume XX.

†See Section 2, Chapter 396, Volume XX.

‡Amended. See Chapter 62, Volume XXII..

that he will not disclose the name of any voter who may change or alter his ballot or for whom he voted or how he marked his ballot; that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and any election officer * * * * who shall violate his oath in any of these particulars shall be guilty of wilful and deliberate perjury and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the court be imprisoned not exceeding two years.

Violation of
oath, penalty.

Section 26. Inoperative.

Section 27. In the counting of the votes any ballot which is not endorsed with the initials of the Clerks of the election as provided in this act, and any ballot which shall bear any distinguishing mark shall be void and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; provided, however, that such ballots and all disputed ballots shall be preserved by the Inspector and at the close of the count placed with the seals of the ballot packages in the box into which the ballots shall have been put when read. The election officers shall also record on the tally list memoranda of such ballots and the condition of the seal of the ballot packages; and in any contest of election such ballot and seals may be submitted in evidence. Immediately on closing the polls all the ballots remaining unvoted or unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire, and the election officers shall certify the number of ballots so destroyed by them on the respective tally lists.

What ballots
not counted.

Proviso.

Disputed ballots
to be preserved.

Memoranda.

Remaining
ballots de-
stroyed, how.

The several Clerks of the Peace shall preserve the ballots left over in their hands after supplying the hundreds and election districts, as hereinbefore provided, until six o'clock P. M. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which he shall preserve in his office as a record together with his certificate of the number of ballots counted and destroyed by him.

Clerks of the
Peace to destroy
ballots left over.

*Section 28. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and * * printed and prepared according to the provisions of this act, or shall neglect or refuse to deliver them in time to the

Penalty for neg-
lect or refusal
of Clerk of the
Peace to per-
form the duties
under this act.

parties properly entitled to receive them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and * * * required to be done and performed by him by the provisions of this act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars, and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

Penalty for election officers or voters' assistants revealing certain knowledge.

Section 29. If any person being an election officer * * * shall reveal to any person how any elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such person or persons so offending shall be guilty of a misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two years and not more than five years.

Penalty for falsely or fraudulently destroying, etc., any certificate of nominations.

Section 30. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof; or forge or falsely make the official endorsement of any ballot; or print or cause to be printed any imitation ballot or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the court not more than five years.

Penalty for violation of any provisions of this act.

Section 31. If any Clerk of the Peace, Inspector of Election, Clerk of Election or Judge of Elections or trusty person * * * shall wilfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding three years.

Duty of Sheriff.

Section 32. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this act. The inspector or the trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Compensation of Inspector or trusty person.

Section 33. *If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Penalty for entering or attempting to enter election room or railing contrary to this act.

Section 34. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such persons so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Distinguishing marks on ballot penalty for making.

Section 35. If any person shall induce or attempt to induce any election officers to violate any of the provisions of this act whether or not such election officer shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Inducing election officers to violate the provisions of this act.

Duty of Inspector.

Oath of election officers.

Section 36. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during the election remove, tear down or deface the cards printed for the instructions of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

Penalty for tearing down or destroying conveniences at voting place.

Section 37. Inoperative. * * * All necessary costs and expenses incurred by the Inspector and Clerks of the Peace

Expenses, how paid.

*See Section 7, Chapter 396, Volume XX.

in carrying into effect the provisions of this act shall be paid as other county expenses are paid.

To what elec-
tions the provis-
ions of this
act apply.

Section 38. This act shall apply to all municipal elections held in the city of Wilmington, * * * but it shall not apply * * * to the election for members of the Board of Education in the city of Wilmington.

Inconsistent
acts repealed.

Section 39. All acts or part of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 15, 1891.

CHAPTER 62, VOLUME 22.

AN ACT providing that the Official Ballots shall hereafter be marked by the Voter when indicating his choice of Candidates with an indelible black lead pencil or indelible black crayon.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

To mark the
official ballot.

What to be
used.

Section 1. That whenever, under any provisions of the laws of this State, any voter or elector, at any election hereafter to be held in this State, is required to indicate on the official ballot the candidates for whom he desires to vote at such election, by marking his ballot in such manner as to indicate for whom he casts his vote, every such voter or elector, at any election aforesaid, shall indicate his choice of candidates aforesaid, by marking his ballot with an indelible black lead pencil or indelible black crayon, and shall not use any other means or instrumentality for such purpose.

Shall use black
pencil or crayon.

Section 2. That any and all mark or marks now required by the laws of this State, to be made on any official ballot, used at any election hereafter held in this State, shall be made by the use of the pencil or crayon mentioned in Section 1 of this Act.

Mark made
shall be two
crossed lines in
the square.

Any elector desiring to vote at any such election shall make a mark crossing two lines with the pencil or crayon aforesaid, in the large square enclosing the device at the head or top of any ticket printed on the official ballot, in lieu of any mark now

required to be made with a stamp; provided, however, that any voter may cross out, or scratch off, the name of any person appearing on the said ballot under the square so marked by him, and in lieu thereof may or may not write in said ballot immediately over the name so crossed out or scratched off, the name of any other person who is a candidate for the same office at said election, and the said changes shall be made with the pencil or crayon aforesaid.

May scratch off name of any candidate, but only with black pencil aforesaid.

May or may not write in name of any other candidate.

Change to be made with pencil or crayon aforesaid.

Section 3. That it shall be the duty of the several persons who, at the time this Act becomes a law, are required by the laws of this State to provide and furnish any stamp for the use of the voters at any election, to provide and furnish, in lieu thereof, at least one dozen indelible black lead pencils or black crayons for and to each and every election district, in which any election as aforesaid is to be held, for the use of the voters in said election district at any such election. If any person shall mutilate, destroy, cancel or take away from any election district any such pencil or crayon, so provided and furnished as aforesaid, before or during the time any election mentioned in this Act is being held, he, she or they, shall be guilty of a misdemeanor and shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both, in the discretion of the Court.

Duty of those required to furnish means for marking ballot.

Penalty for removing or mutilating pencils or crayons.

Fine therefor.

Section 4. That it shall be the duty of the several clerks of the election in the several election districts in this State who were heretofore required to deliver to the electors or voters, the stamp heretofore required, to deliver and hand to each voter thereat one of the said pencils for the purpose of marking his ballot, and it shall be the duty of every such voter at any election mentioned in this Act at the time of handing his ballot to the Inspector of Election or other person authorized by law to receive his ballot, to return to the said clerks of election the said pencil or crayon furnished him as aforesaid.

Duty of Election Clerk to furnish voter with pencil instead of stamp.

Voter to return pencil or crayon to clerk after voting.

Section 5. That if any person shall violate any of the provisions of this Act, not herein specially provided for, he, she or they shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both, in the discretion of the Court.

Violation of this act to be a misdemeanor.

Section 6. That all provisions of law in conflict with the provisions of this Act are hereby repealed.

Approved March 2, A. D. 1901.

CHAPTER 396. VOLUME 20.

AN ACT to further provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Abolished.

Who may be assisted.

Section 1. (*) * * * * *

Provided, that any person who shall be physically unable to prepare, * * * or fold his ballot by reason of such defective eyesight, or the loss of the use of one or both hands, or inability to walk with safety without assistance, as manifestly renders him unable to prepare, (†) * * * or fold his ballot, or to reach the polling place alone with safety, shall be permitted to bring with him into the election room and booth any elector (or two electors if the nature of the disability manifestly requires more than one, such as a total disability to walk) of the polling district for the purpose of rendering him the necessary assistance. In case any elector shall feign any of such physical defects he shall be guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned for not more than two years.

Feigning physical defects, misdemeanor.

Punishment.

Printing of ballots.

Stamping ballot.

Changing ballot.

Marked ballot

Section 2. That all ballots hereafter to be printed under authority of any law of this State for use at any general or special election shall be so printed that no small square shall be placed opposite the name of any person on any ballot, and any elector desiring to vote at any such election shall stamp his ballot in the large square enclosing the device at the head of any ticket printed on the official ballot, and may cross out the name of any person appearing on the said ticket under the square so stamped by him, and if he so desires, may insert in lieu of the name so crossed out the name of any other person nominated for the same office as the person whose name is crossed out, using only a black lead pencil for such purpose. And it is hereby expressly provided that if in lieu of the name of any person so crossed out the name of any person not nominated for the office for which he is thus voted and whose name is not printed on said ballot, the ballot containing such name shall be treated as and is hereby declared to be a marked ballot and void and shall not be counted.

Challengers to have powers of peace officers.

Section 3. That the challengers of the Democratic and Republican parties, respectively, chosen for any general or spe-

*Voters Assistants restored. See Chapter 63, Volume XXII.

†Amended. See Chapter 64, Volume XXII.

cial election hereafter to be held, shall be Peace Officers of the State with the same powers for preserving the peace as Inspectors of Election now have, and in the election districts outside the City of Wilmington the challengers shall be stationed outside the entrance to the polling room, and shall not be allowed inside of said room. Any person resisting such challenger or challengers shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not more than one hundred dollars and may, at the discretion of the court, be imprisoned for a term not exceeding one year; and in the City of Wilmington the said challengers shall act as Clerks of Election and perform all the duties now incumbent upon the Clerks of Election, and before entering upon such duties shall be sworn as Clerks of Election are now required to be sworn to perform their duties as Clerks of Election, and receive compensation as such. Such Clerks of Election and challengers in the City of Wilmington shall be appointed by the respective County Committees of the Democratic and Republican parties, and the challengers in the election districts outside of the City of Wilmington shall be selected and named by the County Committees of the said parties.

Not to enter
polling places.

Resisting
challengers
misdemeanor.

In Wilmington
challengers shall
act as clerks of
election.

Oath.

How appointed.

Section 4. The County Committees of the Democratic and Republican parties in each county shall name and select each a Judge of Election for each election district outside of the City of Wilmington, who shall be appointed and qualified at the time and perform the duties as now provided by law of Judges of Election in the districts for which they are chosen respectively.

Judges, how
selected.

Section 5. That wherever in the laws of this State relating to general or special elections the words "principal political parties" now occur, or words equivalent thereto or so designating parties shall be used, the same shall be taken to designate and are hereby declared to designate the Democratic party and the Republican party.

Words defined.

Section 6. That the Democratic and Republican County Committees may each select and designate one suitable, reputable and sober person as a special officer to stand at the entrance of the polling place, to be not less than thirty feet away from the entrance to the voting room as now provided by law, to regulate the admission of persons to the polling place, and while so stationed and performing their duties as herein provided, the persons so designated shall be clothed with all the powers of officers of the peace as those now given by law to inspectors of election, and any person resisting such special officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not more than one

Special officers
at entrance of
polling place.

hundred dollars and may, at the discretion of the Court, be imprisoned for a term not exceeding one year.

Unlawfully entering voting room or doing any unlawful act

Section 7. Before the hour of opening the polls on the day of election and at the time of opening the election and afterwards at any time during the day of the election and before the hour of closing the election, if any person or persons shall enter the voting room or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge of or attempt to take charge of any voting room within in the time herein mentioned for the purpose of preventing or delaying an election or for any other purpose on election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three nor more than five hundred dollars, and shall be imprisoned for a term not exceeding three years, provided, that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, and to see that the ballot boxes, tickets, blanks, etc., are all in proper condition; but as soon as the election officers shall be qualified and ready to open the elections, the proper hour therefor having arrived, such representatives of each political party shall immediately retire from the election room; provided, further, that such persons may first vote before retiring if they shall so desire.

Misdemeanor.

Punishment.

Each party may be represented at the preparation for and opening of election.

Clerks of Peace to have ballots folded.

Section 8. That in addition to the duties now required of the Clerk of the Peace in said county relative to the printing and delivering of the ballots, each of said Clerks of the Peace shall, before delivering said ballots to the several inspectors of his county as now required by law, cause said ballots to be folded in one uniform manner in his county, in convenient form to be deposited in the ballot boxes, and so folded that no part of the face of the ballot shall be exposed.

Initials of clerks of election on back of ballots.

Folding ballot by voter.

Section 9. That the clerks of the elections shall write their initials in ink across the back of the ballot as folded, and near the middle thereof, in lieu of the manner in which they have heretofore been required to do; and the voter before leaving the booth or compartment shall fold his ballot as near as he can in the same manner in which it was handed to him; but failing to do this he must fold it so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed.

Section 10. In case any elector who may be selected to assist any person by reason of the physical defects hereinabove mentioned shall reveal how such elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such elector or electors so offending shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned not less than one nor more than three years.

Voters' assistant
disclosing nature of vote

Misdemeanor.
Punishment.

Section 11. That if any inspector of election, judge of election, clerk of election or challenger, shall in any way or manner or by any means or device whatsoever make known or communicate by any means whatsoever or shall attempt to make known or communicate by any means whatsoever, to any person or persons on election day while the election is in progress, or at any time thereafter, how any elector has or shall have voted, he shall be guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars and may, in the discretion of the court, be imprisoned for a term not exceeding one year.

Officer of election committing unlawful act.

Misdemeanor.
Punishment.

Section 12. That if any person other than the election officers shall secrete or attempt to secrete himself in any part of the polling room during the hours of the election for any purpose whatsoever, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars, and may in the discretion of the court be imprisoned for a term not exceeding one year.

Secreting one's self in election room.

Misdemeanor.
Punishment.

Section 13. If any Clerk of the Peace, Inspector of Election, Judge of Election, Clerk of Election or challenger, shall wilfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is now provided by law, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less (than*) three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding two years.

Any violation of this act

Misdemeanor.
Punishment.

Section 14. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 20, 1897.

*This word omitted in enrolled bill.

CHAPTER 63. VOLUME 22.

AN ACT creating the office of Voters' Assistant and prescribing the duties thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Governor to
appoint voters'
assistants on or
before October
10th.

Section 1. That on or before the tenth day of October in each and every year in which a general election is held in this State, it shall be the duty of the Governor to select, appoint and commission an honest and capable man from each of the two principal political parties in each and every election district in this State, including the districts in the City of Wilmington, who shall be known as Voters' Assistants.

The County
Committees of
the two parties
having highest
and next highest
number of votes
to submit list
of names.

The County Committees of the two principal political parties, which at the general election next preceding cast the highest and next highest, number of votes respectively, in such County, shall each submit to the Governor the names of three men for such appointment and from said names the Governor shall select one to represent each party, but in no case no name or names is or are submitted by either or both, the Governor shall then make such appointment or appointments as he may see fit.

If none are sub-
mitted Governor
to appoint.

Voters' assist-
ants to be in
election room.

Shall assist
voter when
requested.

Section 2. That the Voters' Assistants shall be stationed within the room where the election is being held, and shall, when requested by any voter, assist such voter to mark, alter, change, scratch, or fold his ballot in the presence of the voter and of each other, and shall also, when requested by the voter, read over to him the names of the candidates on the ballot which he desires to vote.

Penalty for false
declaration.

Section 3. That if any Voters' Assistant make a false declaration to any voter he shall upon conviction be fined one hundred dollars, and any Voters' Assistant who shall decline any voter in any way shall be guilty of a misdemeanor, and on conviction, shall be fined not less than Two hundred dollars nor more than Five hundred dollars, and may in the discretion of the Court be imprisoned for a term not exceeding five years.

Section 4. That all Acts or part of Act inconsistent herewith be and the same are hereby repealed.

Approved March 8, A. D. 1901.

CHAPTER 53. VOLUME 23.

AN ACT providing for the submission to the Qualified Electors of the State of Delaware the question whether a system of Advisory Initiative and Advisory Referendum shall be established in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That there shall be submitted to the qualified electors of this State, at the next general election to be held in the month of November, A. D., nineteen hundred and six, the following question.

Advisory Initiative and Advisory Referendum to be submitted to electors at general election in 1906.

"Shall the General Assembly of the State of Delaware provide a system of Advisory Initiative and Advisory Referendum?"

Section 2. It shall be the duty of the Clerks of the Peace of the several Counties of this State to have prepared a separate ballot in substantially the following form.

Duty of Clerk of Peace to prepare ballot.

Form of Ballot.

Shall the General Assembly of the State of Delaware provide a system of Advisory Initiative and Advisory Referendum?

Form of ballot.

Yes.

No.

Section 3. The Clerks of the Peace of the several Counties of this State shall provide the same number of ballots in the foregoing form as are now required by law for the general election, and shall furnish the same in all respects as is now or may hereafter be provided for the furnishing of other ballots to be used in the said general election.

Ballots, the number of and how furnished.

Section 4. Each person qualified to vote at the said general election shall be entitled to cast one ballot either for or against the said system, and all the provisions of law now existing shall apply to such qualified electors, and all punishments now provided by law shall be imposed with the same force and effect as if expressly included herein.

Qualified elector entitled to cast one ballot.

Section 5. At such general election any elector desiring to vote in the affirmative upon the question submitted in the said ballot shall place a cross opposite the word "yes" on said ballot, and any elector desiring to vote in the negative shall place a cross opposite the word "no."

Method of marking ballot.

Ballot boxes,
how furnished.

Section 6. It shall be the duty of the persons now required by law in the several election districts of this State to furnish ballot boxes to be used at the said general election; to furnish a separate ballot box for each election district in this State, in which separate ballot box the ballots herein provided shall be cast and said ballots shall not be commingled with the other ballots used at such general election.

Ballot not
mingled with
other ballots
used at general
election.

Election officers,
their duty to
count ballots
and make re-
turns thereof.

Section 7. It shall be the duty of the election officers in each election district in this State to count the said ballots after the same have been cast, and to make return thereof in all respects as now provided by law in relation to ballots cast at the said general election, provided, however, that the number of ballots cast for or against the said question shall be kept upon separate sheets to be furnished by the Clerks of the Peace of the several Counties.

Certificate of
state of vote,
how made,
returned and
delivered.

Section 8. It shall be the duty of the presiding officer of each election district to make out certificates, showing the result of the said vote, in the same manner as now provided by law in relation to certificates of the vote cast at the general election, which certificates shall be made, certified, returned and delivered in all respects as now provided by law in relation to the general election.

Vote to be
canvassed by
Superior Court.

Section 9. The said votes shall be canvassed and the result ascertained by the Superior Court in and for each County of this State as provided in Section 6, Article 5 of the Constitution of this State, and the Superior Court in each County shall be clothed with, and shall exercise all of the powers in relation thereto as they now possess and exercise in relation to the canvassing and ascertaining of the votes cast at such general election.

Expenses inci-
dent to election,
how paid.

Section 10. The expense of printing ballots, procuring the ballot boxes, and all other expenses connected with the taking of the said vote shall be borne as is provided in relation to the other expenses incurred for the general election.

Approved, April 18, A. D. 1905.

CHAPTER 39. VOLUME 21.

AN ACT to enable the Qualified Voters in the Military or Naval Service of this State or of the United States to exercise the Rights of Suffrage.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That whenever any of the qualified voters of this State shall be engaged in the military or naval service of this State or of the United States, and as such absent from the hundred, election district or ward of their residence on the days appointed by law for holding county, State, Congressional or Presidential elections within this State, or on the days appointed in writs of election issued by the presiding officer of either house of the General Assembly or the Governor for holding special elections to fill vacancies, such qualified voters shall be entitled at such time to exercise the right of suffrage as fully as if they were present at their usual places of election, notwithstanding any provisions to the contrary in any act or acts now in force.

Voters engaged
in military or
naval service
of U. S.

Right to vote.

Section 2. A poll shall be opened in each company at the quarters of the captain or other commanding officer thereof, and all electors belonging to such company who shall be within two miles of such quarters on the day of the election, shall vote at such poll, and at no other place; officers other than those of a company, and other voters detached and absent from their companies on duties which will not permit them to return to their companies, may vote at such of the said polls as may be most convenient to him.

Poll for receiv-
ing votes.

Section 3. The polls shall be open at ten o'clock in the morning and close at five o'clock in the afternoon.

Hours of voting.

Section 4. At ten o'clock in the morning on the day of election the voters present at each of the polling places aforesaid, shall elect viva voce three persons present at the time, and having the qualifications of electors in this State for the judges of said election; and the judges so elected shall then appoint two of the remaining qualified electors present to act as clerks of said election.

Election and
appointment of
election officers.

Section 5. Before any votes shall be received said Judges

Oath of officers.

and Clerks shall each make the oath or affirmation required by the election laws of this State to be taken by persons serving in the capacity of election officers, which oath or affirmation any of the Clerks or Judges herein provided for may administer to each other, and said oath or affirmation shall be in writing signed by said Judges and clerks taking the same and shall be returned to the proper officer of this State with the ballots and other papers of the election returns.

Ballot.

Challenge.

Section 6. All elections shall be by ballot and the Judges of election may, and upon challenge of any voter shall examine under oath such voter (which oath any of the Judges may administer) in respect to his right and his qualifications to vote in the particular hundred, election district of this State in which he claims residence.

Poll list.

Entries.

Section 7. At each polling place three poll lists shall be kept, one for each county in this State, and plainly labeled as such at the top of the list. The two Clerks shall keep duplicate lists, when a vote is deposited in the ballot box, the name of the first voter shall be entered on the list of the county in which he claims his residence, and in front of such name shall be placed number one and the second person whose vote is taken as of that county, shall have his name so entered and numbered two; and so on the poll lists for each county shall be kept. And in addition thereto the name of the hundred or election district in which the voter claims his residence, and the name and number of the company and regiment to which he belongs shall be entered opposite his name.

As soon as the ballot of the voter has been deposited in the ballot box, the Clerks shall check his name off the list of voters.

Duty of election officers.

Section 8. The Judge to whom the voter shall give his ballot, shall pronounce the name of the voter in a clear and distinct voice and if the Clerks shall find his name on the authorized list of Registered Voters, and no objection shall be made to his voting, the Judge shall deposit his ticket in the ballot box. If any objection is raised to the right of the party to vote, the Judge shall determine the matter by the same authority but under the same restrictions as other Judges of election sitting in the State.

Counting of votes.

Signing list, etc.

Section 9. At the close of the polls, the poll lists of each county shall be counted and the number of names of voters thereon written in words at the foot of the lists, and the lists shall be signed by the Judges and Clerks under oath or affirmation declaring them to be true and correct lists of those from

whom they have accepted ballots, and any blank spaces on such lists between the names of the voters and the election officers shall be checked through in ink.

Section 10. After the poll lists are signed the ballot boxes shall be opened, the ballots taken out one at a time, and merely separated into three lots according to the county into which they are to be counted. A count shall be kept of the number of ballots for each county (without making any count of the candidates voted for). The ballots when so separated and counted shall be placed in heavy envelopes, specially prepared for the purpose. The Judges shall then certify under oath or affirmation as to the number of votes returned by them for the respective counties of the State, this certificate together with the lists of those who voted, as kept by the Clerks, shall be placed in such envelopes. The envelopes shall be marked plainly in the name of the prothonotary of the proper county; it shall be sealed and held by them jointly until collected by the persons assigned by the Governor of this State, as Election Messenger, to go upon the field and collect these returns which shall be deposited by them in a lock pouch, which shall be locked with two locks having different keys and one key shall be kept in the possession of a representative of one political party and the other key shall be kept in the possession of a representative of another political party. These persons so designated by the Governor to collect these election returns, shall have three pouches, in one shall be placed the returns for each county. As soon as they have gathered the election returns they shall lock the pouches and shall take them jointly with the greatest speed to the Prothonotary of the county to which they belong; notifying the Prothonotary in advance upon what train to expect the returns if they are to be brought in by train.

Separation of
ballots.

Count.

Envelopes.
Certificate.

Securing ballots
in envelopes.

Collection of.

Locked Pouch.

Collection and
conveying of
returns.

Section 11. The prothonotary of the county receiving the returns shall keep them as other election returns of the State received by him, and shall deliver them to be counted by the Board of Canvass which shall open the ballots and count them as other election returns made from voting precincts within the State.

Delivery to
Board of
Canvass.

Section 12. The Governor shall at a suitable time in advance of the election designate two persons who shall be members of different political parties, whose duties it shall be to visit any encampment contemplated in this Act, (and where there is more than one such encampment, the Governor shall designate two such persons for each encampment, whose duty it shall be to take ballots to such encampments to be delivered at each voting place, together with copies of the registration lists of the counties of this State, and other forms, blank forms, papers of

Appointment of
persons to visit
camps with
ballots, etc.

To collect votes. information and paraphernalia necessary to be had at a place of election. The parties so appointed shall at the close of the polls collect under seal the votes, certificates and poll lists so designated above and return them to this State as above designated.

Style of ballot used. Section 13. The ballots used at the polls herein provided for shall be the style of ballot used in this State just prior to the adoption of the Australian ballot system. They shall be uniform as to size and color of paper. Printed lists of all the officers nominated by the different political parties throughout the State shall be furnished to be posted at each polling place for the convenience of the voters.

List of nominees. Registration officers to keep separate list of names returned by Auxiliary Registrar. Section 14. The registration officers of this State shall keep during the registration of voters, separate lists of all those whose names that have been registered by them as returned for registering by the Auxiliary Registrar provided under the laws of this State, for the registering of citizens in the military or naval service of this State, or of the United States. Copies of such lists shall be furnished the Clerk of the Peace of the county and he shall have a composite list of all such names made and furnished to the election officers at the polls provided for in this act. He shall also furnish them complete lists of the registrations of the county in order that the name of any soldier may be found who enlisted since having registered as a voter.

Election messenger. Section 15. The persons to be appointed by the Governor in Section 12 of this act, shall be commissioned by him as Election Messenger and shall take their commission with them as evidences of authority when their authority is questioned. They shall be sworn and shall qualify as other election officers.

Oath, etc. Violation of election laws. Section 16. If any person shall at the elections herein provided for violate the election laws of this State by voting or attempting to vote more than once at any election, falsifying the count or returns in any manner, they shall upon conviction be disfranchised for a period of ten years from the date of such conviction.

Penalty. Compensation of messenger. Section 17. The election messenger herein provided for shall be paid a per diem equivalent to that paid to a judge of election and shall be allowed and paid by the State Treasurer such sum for traveling expenses allowed them and approved by the State Auditor upon vouchers of necessary expenditures submitted by them.

Double ballots. Section 18. When two or more ballots are found folded or rolled together they shall be adjudged fraudulent and not returned. The election officers shall note, in their returns, the

number of rolls or folds of ballots so thrown out as fraudulent, in order to account for any discrepancy between the number of voters reported by them and the number of ballots returned by them.

Section 19. All acts or part of acts inconsistent with this act are hereby repealed.

Approved June 25, 1898.

CHAPTER 393, VOLUME 20.

AN ACT to provide for the Purity of Primary Elections in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. A primary election within the meaning of this act is an assemblage of voters who are members of any political party, organization or association duly convened for the purpose of nominating a candidate or candidates for public office, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, which at the last general election before the primary election polled at least ten per centum of the entire vote of the State, or any division or sub-division thereof, for which the nominations are made. Primary election defined.

Section 2. That all primary elections hereafter to be held by any political party, organization or association, for the purpose of nominating or selecting candidates to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be by ballot. The primary election for any political party, organization or association, for the nomination of the same class of candidates to be voted for at any subsequent election, or for the selection of delegates or representatives to any political convention thereafter to be held for the purpose of select- To be by ballot.
Throughout county at same time.

ing candidates as aforesaid, shall be held in the several hundreds at the same time. Notice of the time and places for holding all primary elections shall be given by publishing the same once each day for at least five days before the time of holding the same, in one or more daily newspapers printed in New Castle County. No two political parties, organizations or associations shall hold their primary election on the same day. The number of days that shall be allowed for holding primary elections to nominate persons to be voted for at a general election and to nominate persons to be voted for at municipal elections in the City of Wilmington, shall not exceed two for each political party, organization or association in any one year.

Notice,

No two parties
on same day.

Not more than
two days for
each party.

To be held by
board of election

How composed
and appointed.

Section 3. That every primary election hereafter to be held by any political party, organization or association for the purpose of nominating or selecting candidates by ballot to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be held by a Board of Election officers consisting of one inspector, who shall be a judge and the presiding officer, and two other judges at each voting precinct; and if it should so happen that but one person as presiding officer or judge should have been appointed by such political party, organization or association to hold such primary election, or having been appointed and being absent, the electors there present at the hour appointed for opening such primary election shall proceed without ballot to choose from among the qualified voters of the election district there present a presiding officer, judge or judges, as the case may require and in choosing such presiding officer, judge or judges, two qualified voters of the district to be nominated and appointed by the electors shall be the judge or judges.

Inspector,

Appointment
of judges.

Section 4. That the inspector of each election district for all primary elections hereafter held in New Castle county, (outside the City of Wilmington) under the direction of any political party, organization or association shall be the person who was the candidate of the political party, organization or association holding such primary election for the office of inspector at the general election next preceding such primary election; provided, that in cases where the primary election is held without regard to the division of any hundred into election districts for general election purposes, the person who was the candidate for the office of inspector as aforesaid, for the election district in which the place of voting at such primary election is situated shall be the inspector of such primary election. The two judges, as provided by Section three of this act, shall be appointed by the

regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. The inspector and judges of all primary elections hereafter held in the City of Wilmington shall be appointed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, from the persons designated to conduct the next subsequent general election. The term of office of said inspectors and judges shall be for one year. Said committee or governing authority shall designate which person shall act as inspector, and which persons shall act as judges of such primary elections. The persons so appointed shall be residents of the primary election district for which they are appointed. In all cases when primary election officers are appointed as herein provided, representations* of the interest of each candidate shall be as nearly equally divided as possible as to the board of election officers. If any person designated in this section to be inspector of any primary election shall die, remove from his primary election district, or be for any reason physically unable to attend in his primary election district at any primary election held by his political party, organization or association, then the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election shall appoint an inspector to fill the vacancy thereby created. If any political party, association or organization desires to hold a primary election for the purpose of nominating candidates for public office, and there is no recognized member of said political party, association or organization among the persons designated in this act to serve as inspectors and judges of such primary elections, or not a sufficient number of recognized members for said purpose, then the regularly organized and constituted County Committee or governing authority of such political party, association or organization shall appoint the inspector and judges to hold such primary election. In case of refusal or neglect on the part of any person designated by this act or appointed pursuant to the provisions hereof to be an inspector or judge, as the case may be, of any primary election, to qualify according to the requirements of this act, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by the County Treasurer of New Castle County, by civil action in any court of record, in the name of the County Treasurer and for the use and benefit of New Castle county; and the failure on the part of any such person to comply with any of the requirements of this act, preliminary to opening the polls, or to attend on the day of any primary elec-

Inspector and
judges in
Wilmington.

Terms of office.

Qualifications.

Vacancy.

Primary election
of party not
having an
inspector.

Refusal of ap-
pointee to act.

Penalty.
How recovered.

What deemed
refusal.

*So enrolled.

When
appointed.

tion during his term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act. The election officers whose appointment is provided for in this section, shall be appointed at least two weeks before such primary election is to be held.

Oath of officers.

Section 5. That before opening the election, the presiding officer and judges shall each take and subscribe an oath according to the following form, viz.: I do solemnly swear (or affirm) that in the primary election to be held on the..... day of.....A. D....., I will not knowingly or wilfully receive or consent to the receiving of the vote of any alien, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the said primary election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at said primary election to be fully read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; that I have not received, nor will not receive directly or indirectly from or through any candidate to be voted for at said primary election, or any representative of any such candidate or other person, any money, pay, or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay, or other valuable thing or reward from such candidate or representative of such candidate or other person other than that provided by this act, and if I shall discover any partiality, unfairness or corruption in the conducting of the said primary election, I shall disclose the same to the executive authority that shall have directed the holding of the said primary election, and to the Attorney General, to the end that the subject may be investigated, so help me God (or so I solemnly affirm.)

Clerks.

Section 6. That each of the said judges, after being duly qualified, shall choose one clerk of the primary election to be held, to whom the presiding officer or one of the judges who is hereby authorized to administer the same, shall on the day of such primary election administer the oath or affirmation, which shall be subscribed as follows, viz.: I do solemnly swear (or affirm) that as clerk of this primary election to be this day held, I will not use or assent to any falsehood, fraud or deceit, and

Oaths.

that I will keep the polls and perform my duties truly, faithfully and impartially, so help me God (or so I solemnly affirm).

Section 7. That the regularly organized and constituted County Committee or governing authority of any political party, organization or association holding such primary election shall, at any time within ten days of the day that the first primary election is held in each year of a general election, appoint one person for each Levy Court district in New Castle County as a Qualifier of Primary Election Officers, whose duty it shall be to administer to the inspectors and judges of the primary elections held in their respective districts the oath or affirmation prescribed in Section five of this act, and shall deliver to the chairman of the committee or governing authority appointing him the oaths or affirmations subscribed by the inspectors and judges as aforesaid, on or before twelve o'clock noon on the day previous to such primary election. Each person so appointed shall, upon the certification by the chairman of the committee or governing authority appointing him, that such person has performed the duties required of him by this act, be paid by the Levy Court of the county in which he shall reside the sum of ten dollars.

Qualifier of
primary election
officers.

Appointment.

Compensation.

In case any inspector or judge is chosen by the electors present at the time of opening the primary election, pursuant to Section three of this act, the oath or affirmation prescribed in Section five of this act shall be administered to the inspector or judge so chosen by any officer of primary elections there present who has been qualified by the Qualifier of Primary Election Officers, the said officer being hereby empowered to administer said oath or affirmation; and in case there is no such qualified officer there present the said oath or affirmation shall be administered to the judges by the presiding officer, and by one of them to him, each of whom are hereby empowered and directed to administer such oaths or affirmation.

Oath of officer
appointed on
day of election.

How ad-
ministered.

Section 8. The person appointed Qualifier of Primary Election Officers, pursuant to the provisions of Section seven of this act, shall within two days after the appointment and before entering upon his duties, take and subscribe an oath (or affirmation) according to the following form, viz:

Oath of qualifier

I do solemnly swear (or affirm) that, as Qualifier of Primary Election Officers, I will not use or assent to any falsehood, fraud or deceit, and that I will perform my duties truly, faithfully and impartially, so help me God, (or so I solemnly affirm).

How administered.

Chairman of County Committee may administer certain oaths.

Failure of qualifier to take oath.

Misdemeanor. Punishment.

The oath or affirmation prescribed in this section shall be administered by the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association for which said Qualifier of Primary Election Officers was appointed. The said chairman is hereby empowered and directed to administer oaths and affirmation pursuant to the provisions of this act. Any person appointed Qualifier of Primary Election Officers who shall fail to qualify as aforesaid, shall upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by a fine not exceeding one hundred dollars.

Time for registration in N. C. Co. by registrars

By board of registration.

Judges of election in N. C. Co. to be appointed in July.

Other acts to be performed in July.

Time for registration in Wilmington.

Section 9. That the time for the registrars to sit alone in New Castle county (outside of the City of Wilmington) for ascertaining and registering, under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, the persons who are or may become qualified to enjoy the right of an elector at the general election shall be on three successive Saturdays, beginning with the first Saturday in August next preceding the general election. That the time for the board of registration, provided for by Chapter thirty-eight, Volume nineteen, Laws of Delaware, to sit for the performance of the duties required by said board of registration under existing law, shall be on the last Friday and Saturday of the month of August next preceding the general election, and on the third Saturday of the month of October next preceding the general election. In order to fix and ascertain the persons who are to be the associate officers of registration in and for New Castle County, pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware, the two judges of the general election directed to be chosen by Section eleven of Chapter eighteen of the Revised Code, shall continue in the manner directed by Section fourteen, of Chapter thirty-eight, Volume nineteen, Laws of Delaware, except that in and for New Castle county the said judges shall be chosen in the month of July instead of the month of September as heretofore, and all the duties directed to be performed by Section fourteen of Chapter thirty-eight of Volume nineteen, Laws of Delaware, in the month of September, shall be performed in the month of July so far as the performance of said duties apply to New Castle county.

Section 10. That the time for the ascertainment and registration, pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, of the persons residing in the City of Wilmington who are or may become qualified to enjoy the right of an elector at the general election, shall hereafter be on three successive Saturdays, beginning with the second Saturday in the August next preceding the general election, and

on the third Saturday in the October next preceding the general election. That the inspectors of election for the City of Wilmington shall hereafter be appointed by the Department of Elections for said city in the month of June in each year in which a general election is held.

Inspectors for
Wilmington
appointed.

Section 11. That the Sheriff of New Castle county shall, in addition to the registers and things he is now required by law to furnish to the registrar of each hundred or election district of his county (outside of the City of Wilmington), hereafter, before the first day of any registration of voters of said county (outside of the City of Wilmington) made under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish two books for each of said registrars in New Castle county (outside of the City of Wilmington) to be known by the name of "Voting Books of Qualified Voters for Primary Elections," for alphabetical lists of all persons whose names may be entered on the registers pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware. Said books shall be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the register aforesaid as a "qualified voter" or "may become qualified voter," and in the parallel column opposite the name of such person the following particulars, to wit: First, his residence; second, his color*; third, the day of his registration. Said books shall contain six parallel columns for the entry of the word "voted," together with the date of voting. When any registrar or board of registration, at any of the sittings hereinbefore provided, shall enter in his register the name of any applicant for registration as a "qualified voter" or "may become qualified voter," he shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Voting Book of Qualified Voters for Primary Elections" hereinbefore provided for, the name of such applicant and also his residence, * * * and date of registration. The said two "Voting Books of Qualified Voters for Primary Elections" shall be compared and certified on the last day of registration in the month of August, in the same manner and by the same persons as now required by Section fifteen of Chapter thirty-eight, Volume nineteen, Laws of Delaware. It shall be the duty of the registrar, within one secular day after the certification by the board of registration as herein required, to deliver to the Sheriff of New Castle county, who shall safely keep the same, the two "Voting Books of Qualified Voters for Primary Elections" required by this act.

Voting books of
qualified voters
for primary
elections outside
of Wilmington.

Entries.

To be compared
and certified
how.

To be delivered
to sheriff.

*Amended. See Chapter 64, Volume XXII.

Department of
Elections to
furnish Voting
Books of
Qualified Voters
for Primary
Elections in
Wilmington.

Form.

To be compared.

Corrections.

Certificate.

Verified by oath.

Books to be
delivered to
Department of
Elections.

Department of
Elections to
compare and
correct books,
when.

Section 12. That the Department of Elections for the City of Wilmington shall, in addition to the registers and things they are now required by law to furnish to the inspectors of elections in said city, hereafter, before the first day of any registration of voters of said city made pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish to the inspectors of elections in every election district in said city, now existing or hereafter created, two "Voting Books of Qualified Voters for Primary Elections," said books being in the same form as designated in Section eleven of this act. The said two "Voting Books of Qualified Voters for Primary Elections," shall be compared by the inspectors, on the last day of registration in the month of August, to see that they agree with each other in every particular, and also with the register to see that every name entered on the register as a "qualified voter" or "may become qualified voter" is entered in its proper alphabetical place on each of the two "Voting Books of Qualified Voters for Primary Elections," together with the residence, color and date of registration. And if any name in the registers which ought to have been entered on the said alphabetical list shall have been omitted therefrom, it shall be the duty of said inspectors to enter such name in its proper alphabetical place on the alphabetical list, together with the proper entries as they appear on the said registers. And it shall be the further duty, in such comparison of the alphabetical list with the registers, to make such corrections in the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall be the duty of the said inspectors, immediately after their last sitting in the month of August, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters for Primary Elections" a certificate, verified by the oath or affirmation of the inspectors, or at least two of them, that the said "Voting Books of Qualified Voters for Primary Elections" contain a complete list of the "qualified voters" and "may become qualified voters" of said Election District as the same are entered in the Registers of voters of such election district. After said two "Voting Books of Qualified Voters for Primary Elections" have been compared and certified as aforesaid, the said inspectors in each of said election districts shall, immediately after said certification, return the same to the said Department of Elections.

Section 13. It shall be the duty of said Department of Elections to compare and correct said two "Voting Books of Qualified Voters for Primary Elections," at any time before the day the first primary election is held in the year of a general

election, and, when it shall appear by any date in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the said "Voting Books of Qualified Voters for Primary Elections" of any and all election districts in which he is not a "qualified voter," and shall, opposite his name, state the reason therefor. Said two "Voting Books of Qualified Voters for Primary Elections," in each election district of the City of Wilmington, shall be preserved and delivered by said Department of Elections as hereinafter prescribed and directed.

Person having registered twice to be stricken off.

Disposition of books.

Section 14. That from and after the first day of June, A. D. 1898, the terms and powers of office of the inspectors of elections for the City of Wilmington, who shall then be in office, shall be and the same are hereby declared to be terminated and ended.

Terms of office of inspectors in Wilmington terminated after June 1, 1898.

Section 15. That the division of the City of Wilmington into election districts, as is directed by sub division one of Section three of Chapter thirty nine, Volume 19, Laws of Delaware, shall hereafter be made on or before the first day of June instead of on or before the first day of September, as therein provided.

Division of Wilmington into districts to be by June 1.

Section 16. Every inspector of any primary election, poll clerk, or other officer or person having the custody of any "Voting Book of Qualified Voters for Primary Elections," oath, return of votes, certificate, poll list, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person to do so shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished for every such offence by imprisonment in the county jail for a period not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Officer of election stealing, &c. election books, &c.

Misdemeanor.

Punishment.

Section 17. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for every such offence shall be punished by imprisonment in the county jail for a period not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Officer committing or advising, &c. commission of wrongful acts.

Misdemeanor.

Punishment.

Time for
holding
primary
elections.

Time for
revision of
registration
in Wilmington.

Duties of
Department of
Elections.

Who may
vote at
municipal
primary
elections.

Time for
opening
polls.

Time for
closing.

Notice of desire
to hold primary
elections.

Custodians of
voting books to
furnish same
to several in-
spectors.

*Section 18. That the time for holding any primary election shall be after the last day of registration in the month of August, for the ensuing general election and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of registration of voters in the City of Wilmington for municipal elections shall be and the same is hereby made the fourth Saturday previous to the day set for holding the election for municipal officers in the said city. The election officers and the members of the Department of Elections for the City of Wilmington in addition to the duties now required of them by law shall revise and prepare the "Voting Books of Qualified Voters for Primary Elections," as herein provided for general elections, and no person whose name does not appear on the said "Voting Books of Qualified Voters for Primary Elections" shall be entitled to or shall be permitted to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington. The time for opening the polls for the purpose of conducting a primary election under the provisions of this act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

†Section 19. That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of this act, the chairman or secretary of the regularly organized and constituted County Committee or governing authority of such political party, organization or association shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" in this act provided, of their intention of holding a primary election, stating the day on which they desire the election held, which notification shall be at least two weeks prior to the time named for holding such primary election. If no previous notice shall have been received by the said parties from no other political party of their intention to hold a primary election on that day, the said parties shall, on or before twelve o'clock of the day for holding such primary election for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in this act, for each general election district that may be contained in the primary election district, to the inspector of such primary election in the hundred or election district of the county to which such "Voting Books of Qualified Voters

*Amended. See Chapter 285, Volume XXII.

†Amended. See Chapter 285, Volume XXII.

for Primary Elections" shall apply. And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. If any inspector shall refuse, neglect, or fail to have the said "Voting Books of Qualified Voters for Primary Elections," at the place of holding the primary election at the time designated in this act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both.

Inspector to have same at place for holding election.

Neglect.

Misdemeanor.

Punishment.

Section 20. The qualification of electors under this act shall be such as the political party, organization or association authorizing such election may prescribe and publish, and in default of any prescribed or published rule, the past usages of such political party or organization shall be recognized and adopted, and ignorance of such past usages shall be no defence against any of the penalties of this act. As each person shall apply to vote at any primary election, * the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by this act, and if they find thereon the name of the person applying to vote, and be satisfied that he is the person whose name is so registered, they shall enter the word "voted" after his name, and such voter shall not be permitted to vote at any succeeding primary election held by any other political party, organization or association. The entry of the word "voted" as aforesaid, shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Books of Qualified Voters for Primary Elections" herein provided for, shall be allowed to vote or participate in any primary election hereafter held. It shall be the duty of each of the inspectors, within two days after the day of the primary election, to return the "Voting Books of Qualified Voters for Primary Elections," used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them. If any inspector shall neglect, refuse or fail to return said "Voting Books of Qualified Voters for Primary Elections," as directed in this section, the said inspector so neglecting, failing, or refusing shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offence be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period not exceeding one year, or both.

Method of receiving votes.

Elector shall not vote at primary election of more than one party.

Entry must show at primary election of what party elector voted.

Whose vote refused.

Inspector to return Voting Books of persons from whom received.

Neglect.

Misdemeanor.

Punishment.

Section 21. If at any primary election, the presiding officer and judge shall knowingly and wilfully receive, or advise, or

Officers receiving illegal vote. Refusing legal vote.

*Amended. See Chapter 285, Volume XXII.

consent to the receiving of the vote of any person not entitled to vote at such primary election, or if such presiding officer or judge shall knowingly and wilfully refuse to receive the vote of any person entitled to vote at such primary election, every such presiding officer or judge shall, for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same, or shall, for every such offence, upon conviction therefor, be adjudged guilty of a misdemeanor, and be fined not less than one hundred dollars, and, in either case, be imprisoned until the fines, forfeitures and costs are paid in full or discharged by the court.

Penalty.

Misdemeanor.

Punishment.

Voting or attempting to vote illegally.

Receiving or soliciting reward

Voting at primary election of more than one party.

Attempting any unlawful act.

Influencing voter.

Influencing officer of election to do illegal act.

Section 22. If at any primary election hereafter held by any political party, organization or association, as provided in this act, any person falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of any person, whether living or dead, or in or upon any false, assumed, or fictitious name, or in or upon any name not his own, or shall knowingly, willingly or fraudulently vote more than once for any candidate for the same office, or shall vote in any other primary election district than the one in which he is a bona fide resident, or vote or attempt to vote more than one ballot at any primary election district, or shall solicit from any candidate or from any other person, or shall receive, directly or indirectly, from such candidate or from any other person any money, or promise of place or position, or any valuable consideration of any kind, for his vote or support, or if any person shall vote at the primary election of more than one political party, organization or association, held for the purpose of nominating or selecting a candidate or candidates to be voted for at any subsequent general election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, before any one general election, or shall vote or attempt to offer to vote in any primary election district, or having once voted shall attempt or offer to vote again, or shall knowingly, wilfully or fraudulently do any unlawful act to secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer to or promise thereof, or otherwise unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or shall promise any place or position for the purpose of securing any voter's support or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage, or any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall, by any such means or otherwise, compel or induce or at-

tempt to compel or induce any inspector of any primary election or other officer of any primary election in any primary election district to receive the vote of any person not legally qualified or entitled to vote at the said primary election in such district, or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any inspector of any primary election, poll clerk or other officer of any primary election in the discharge of his duty, or by any such means or other unlawful means, knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any inspector of any primary election, poll clerk or other officer of any primary election, whose duty it is to ascertain, proclaim, announce or declare the result of any such primary election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any primary election district not entitled to vote therein or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel, or advise, procure or assist any voter, person or inspector of any primary election, or other officer of such primary election, to do any act by law forbidden, or in this act constituted an offence, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall, when not herein otherwise particularly specified, be punished for every offence by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Interference
with election.Advising or in-
fluencing elec-
tion officer to
neglect his duty.

Misdemeanor.

Punishment.

Any act or deed declared an offence by the general laws of this State concerning elections and not herein particularly mentioned, shall also be an offence in all primary elections, and shall be punished in the same form and manner as is provided for the punishment of similar offences by the general laws; and all the penalties and provisions of the general laws shall apply in such cases with equal force, and shall be as affective as though fully set out in this act.

Other offences.

Punishment.

Section 23. That the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election shall, at least two weeks before such primary election is held, determine what territory shall comprise a primary election district; provided, that such primary election districts shall be so formed that the whole of each election district for the general election shall be in one primary election district. They shall also designate the place for holding the primary election in each primary election district and secure the room for holding the same. Said room, in all cases where one primary election dis-

Territory in
primary election
district.General election
districts not to
be divided.

Place of holding election.	district comprises more than one general election district, shall be in the general election district where the greatest number of votes were polled by the political party, organization or association holding such primary election at the general election next preceding the said primary election. They shall also designate each of said districts by appropriate titles or distinctions. No primary elections shall be held under the provisions of this act in a place or building where intoxicating liquor is sold.
Designation of districts.	
Not to be held where intoxicating liquors are sold.	
Neglect of Department of Elections or sheriff to deliver Voting Books.	Section 24. If the Sheriff of New Castle county or the members of the Department of Elections for the City of Wilmington shall wilfully neglect, refuse or fail to deliver to each inspector of primary elections the "Voting Books of Qualified Voters for Primary Elections" in his or their custody, for each general election district that may be contained in the primary election district for which he is appointed, then in that case the said Sheriff or any member of said Department of Elections so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offence be punished by imprisonment in the county jail for a period not exceeding one year, or by a fine of not more than two hundred dollars, or both, and such conviction shall of itself work a forfeiture of his office.
Misdemeanor.	
Punishment.	
Forfeiture of office.	
Taking intoxicating liquors into place of election.	Section 25. Whoever, during the time that any primary election is in progress in any primary election district in New Castle county or during the time the ballots cast thereat are being counted, shall bring, take, order or send into, or attempt to bring, take or send into any place of holding any primary election, any intoxicating liquors whatever, or shall at any such time and place drink or partake of any such intoxicating liquors, he or they shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offence be punished by a fine of not less than five dollars, and not exceeding ten dollars.
Drinking intoxicating liquor.	
Misdemeanor.	
Punishment.	
Ballot boxes to be provided.	Section 26. That the sheriff of New Castle county shall provide and deliver, or cause to be provided and delivered to the officers at every polling place in the county outside of the City of Wilmington (and the Department of Elections to perform the same duties in the City of Wilmington), where a primary election is to be held, a ballot box, the same to be provided with a lock and key; the said ballot box to be not less than twelve inches long, nine and one-half inches wide, and nine inches high; both sides of said box shall be entirely of clear glass and shall have a lid so constructed that the said lid will slide with ease. The lid of said ballot box shall have an opening in the top not more than one inch long and not more than three-
Description.	

sixteenths of an inch wide; the opening to be entirely enclosed with iron, steel or tin, which material shall be securely fastened to the lid. He shall also furnish to the officers holding any primary election a box of sufficient size to hold the ballots cast at such primary election.

Other box.

Section 27. That part of the ballot box composed of glass shall be so placed during the time that any primary election is in progress that it can be seen at all times by the persons on the outside of the polling places. The lid of the ballot box shall be securely locked during the time that the primary election is being conducted, and shall not be unlocked until the polls are closed.

Ballot box where placed.

Locked during election.

Section 28. That at the time for closing the polls at a primary election held under the provisions of this act, the presiding officer shall publicly proclaim in a clear and distinct voice the number of votes that have been cast at such primary election as shown by the poll books kept by the clerks. After closing the polls at a primary election, the presiding officer and judges shall openly and publicly remove the lid of the box containing the ballots. The ballots shall be taken separately from the box. One of the judges shall keep in his custody the said box while the other judge shall publicly in the presence of the watchers, hereinafter provided for, take the ballots one by one from the box and read the same. When a ballot shall be read it shall be submitted to each of the other judges for inspection and put in the other box directed to be procured in Section twenty-four of this act, it being first seen that the said box is empty; two clerks at least shall keep an accurate account of the ballots as they are read, which shall be done on the tally sheets hereinafter provided to be furnished, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him. The clerk shall make a distinct mark with a pen and ink in the row opposite such name for every vote such person shall receive for the same office. At the close of the canvass of the ballots cast for each candidate, the inspector shall publicly announce the vote and the result of the canvass.

Number of votes cast to be announced at close of election.

Reading of ballots

Custody of same

Clerks to keep tally

Result of canvass to be announced when count completed

Section 29. After having counted the ballots cast at any primary election, the officers holding such election shall forthwith fill out and sign two tally sheets and two certificates, hereinafter provided to be furnished, with the number of votes in words at length entered thereon that have been cast for each and every candidate at such primary election, and the exact time that said canvass was completed. One of said certificates, together with one of said tally sheets and one poll list, shall be

Tally sheets and certificates to be prepared

Disposition of same	delivered by the inspector outside of the City of Wilmington, on the first secular day following such primary election, to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. One of said certificates, together with one of said tally sheets and one poll list, shall be delivered by the inspectors in the City of Wilmington to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, within one hour from the time that the canvass of the votes has been completed. The said ballots, after having been counted, shall be deposited in the box furnished for that purpose, together with the other said certificates, tally sheets and poll lists. The lid of said box shall be secured by tape crossed and sealed in sealing wax by one of the judges not being the inspector, and shall be delivered by the inspector on the first secular day following such primary election, to the Sheriff of New Castle county, who shall make such disposition of the same as the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election may direct. The Regularly organized County Committee or governing authority of the political party, organization or association holding any primary election shall furnish at every polling place in the county where a primary election is to be held, blank tally sheets, blank certificates, blank poll books and stationery sufficient for the use of the officers holding such primary election. They shall also furnish to the primary election officers printed instructions of the parts of this act that in the judgment of the said committee is necessary for the proper performance of their duties.
Disposition of ballots	
Blank tally sheets, &c, by whom furnished	
Printed instructions to officers	
Poll books	Section 30. The poll books used at any primary election hereafter held shall have every line therein numbered, commencing with the figure 1, and continuing serially. On offering to vote at a primary election the voter shall deliver to the presiding officer a single ballot containing the name or names of the person or persons for whom he desires to vote. He shall announce his name and residence, and, if he is qualified as heretofore provided, his vote shall be received and deposited in the ballot-box having the glass sides, and his name and residence entered on the poll book on the line directly opposite the first unoccupied number in order that the election officers may, at any time during the progress of the primary election know the exact number of votes that have been cast. The election officers of such primary election shall at any time announce to any person who is in the act of voting and so inquiring, the number of votes that have been cast up to that time.
Voting	
When requested number of votes cast must be announced.	

Section 31. The Sheriff of New Castle county shall furnish at every polling place where a primary election is held, outside of the City of Wilmington, and the Department of Elections to perform the same duty in the City of Wilmington, two pieces of rope or chain. The officers holding such primary election shall place the said rope or chain at a distance not less than six feet on either side of the window or door where a primary election is held; the said rope or chain shall be at least twelve feet in length, and shall be at least twenty-four inches from the ground and shall so remain during the time such primary election is in progress. No person shall be permitted to be on the inside of said rope or chain excepting to cast his ballot, after which he shall immediately retire. Any person violating the provisions of this Section shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offence be punished by a fine of ten dollars.

Rope or chain
to be furnished
each voting
place.

How used

No one permit-
ted within en-
closure except
to vote

Violation

Punishment

Section 32. That each candidate for nomination at any primary election hereafter held shall have the right to appoint one qualified elector as watcher, who shall be entitled to be in the room where such primary election is held, from the commencement to the close of such primary election and signing of the certificates thereof. If any person appointed watcher shall so conduct himself as to interfere with the progress of any primary election he may, upon complaint made by the primary election officers to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, or to any member thereof from the hundred wherein such interference occurs at the direction of the said chairman or member aforesaid, be removed from the room where such primary election is being held, and the candidate whose representative the watcher so removed was shall be without representation during the continuance of said primary election. If any person shall exclude or attempt to exclude any elector, except in the manner hereinbefore provided, who has been appointed watcher, from the room where any primary election is being held, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offence be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or both.

Watchers

Removal for
misconduct

Attempt to ex-
clude watcher
misdemeanor

Punishment

Section 33. That any recognized member of the political party, organization or association in whose interest any primary election is held, may challenge the right of any person offering to vote at such primary election; and the board of election officers holding the same shall determine whether the person so

Challenge of
vote

Decision

offering is entitled to vote, and shall receive or reject such vote, as the evidence for or against the right of the person to vote shall warrant. The officers may, of their own motion, or in case of challenge if there be doubt of the propriety of receiving the offered vote, required of the person so offering to vote, his oath or affirmation, which shall be administered by the presiding officer, who is hereby authorized to administer the same in the following form, viz: Do you solemnly swear (or affirm) that you are a legally qualified voter under the rules of theparty authorizing this primary election; that you will be legally qualified to vote at the following election for which candidates are now being selected to be voted for; that you are at this time a bona fide resident of this primary election district; that you have not voted, or you will not vote at any other voting place this day; that you have not voted or you will not vote at the primary election of any other political party, organization or association held for the purpose of nominating or selecting candidates to be voted for at the ensuing election, so help you God (or so you solemnly affirm.) After the voter has taken the said oath or affirmation, the ballot of such voter shall be received and deposited in the ballot box; and if any person offering to vote at any primary election decline to make the oath or affirmation demanded, his vote shall be rejected. If at the time a person proposes to vote he is challenged and there are several persons waiting their turn to vote, said challenged person shall stand to one side until unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of; Provided, that if any person shall challenge a qualified voter, resident of such primary election district, well known as a member of the political party, organization or association holding such primary election, for the purpose of annoying or delaying voters he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for each and every such offence be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

May require
oath of voter

Form

After oath vote
to be received

Decision on
challenged vote
not to delay
other voters

Challenging vote
for delay
misdemeanor

Punishment

Section 34. That each of the officers of any primary election hereafter held is clothed with the powers and duties of a county constable, and is required to see that good order is preserved at such election, and may arrest and present for commitment to any justice of the peace any and all persons guilty of any unlawful conduct.

Compensation of
election officers

Section 35. The compensation of the officers and clerk for holding primary elections under the provisions of this act shall be two dollars and fifty cents for each judge and clerk and three dollars for each inspector at each primary election so held.

The expenses for holding primary elections under the provisions of this act including stationery, pay of officers and clerks, shall be paid by the Levy Court of the county wherein such primary election is held to nominate persons to be voted for at a subsequent general election and by the Mayor and Council of Wilmington in any year when a primary election is held in the City of Wilmington to nominate officers to be voted for at the subsequent municipal election in the said city.

How paid

Section 36. If any person appointed to hold a primary election shall conduct such election in violation of any of the provisions of this act, the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election is hereby empowered and directed to remove such officer or officers and substitute others in their stead, and the person so substituted shall take the oath or affirmation prescribed by Section five of this act, which said oath or affirmation shall be administered by any qualified inspector or judge who is hereby authorized to administer the same.

Election officer acting unlawfully may be removed

Substitutes

Section 37. In all cases the candidate receiving the highest number of votes shall be declared the nominee of the political party, organization or association holding such primary election. In case of death, resignation or removal of any candidate subsequent to a nomination the political party, organization or association in which such vacancy exists, shall provide the manner in which such vacancy shall be filled.

Who declared nominated

Vacancy

Section 38. The regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election is hereby empowered to calculate the aggregate number of all the votes that shall have been cast, in all the hundreds of the county or any subdivision thereof, for every person voted for for any one office at such primary election, and to declare the candidate or candidates in cases where candidates for more than one office are to be nominated, receiving the highest number of votes the nominee or nominees of such political party, organization or association for the office for which he was voted for at such primary election. In all cases of a tie vote or of contests, the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding at such primary election shall have the power to hear and determine such contests, and to decide who shall be entitled to the nomination. The proceedings in such cases shall be in such form and manner as the said committee or governing authority shall determine upon. Before entering upon the dis-

Nominee how ascertained

Tie votes of contests

How decided

Form of proceedings

charge of the duties set forth in this section the members of the committee or governing authority aforesaid, shall be sworn by a notary public to faithfully and honestly discharge the duties herein imposed and the failure upon the part of any member of the said committee or governing authority to discharge such duties faithfully and honestly shall be deemed a misdemeanor, and the person so offending shall upon conviction therefor, be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail for a period of not less than sixty days nor more than one year.

Printing of
ballots

Form of ballot

How voted

Person desiring
to be voted for
must notify
authorities

Ballots printed
when

Act not applica-
ble to election of
delegates to
National
Convention

Such election to
be at expense of
party

Section 39. That the ballots used at any primary election hereafter held shall be printed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. The names of all candidates for nomination for the same office shall be placed under the title of said office, the surname of candidates to be placed in alphabetical order and shall not be separate one from another by any other matter. Where there are several candidates for the nomination for the same office, the elector shall indicate his choice by crossing out the name of all the candidates except those for whom he desires to vote, and in case an elector has omitted to cross out the names on his ballot as aforesaid, the said ballot shall not be counted for any such candidate or candidates. Any person desiring to be voted for as a candidate for nomination at any primary election hereafter to be held shall notify the regularly organized and constituted County Committee or governing authority of the political party, organization or association of which he is a member in writing of such desire at least ten days before such primary election is to be held. The said ballots shall be printed and ready for distribution at least five days before the day of such primary election.

*Section 40. That the provisions of this act shall not apply to any primary election held for the election of delegates to any State convention called for the purpose of electing delegates or representatives to any national political convention; Provided, however, that the regularly organized County Committee or governing authority of the political party, organization or association by or for which the primary election is held for the election of delegates to any State convention held for the election of delegates to any national political convention, shall bear the expense for conducting such primary election as set forth in this Section. And, provided further, that the said governing authority ordering or issuing the call for a primary elec-

tion to elect delegates or representatives to any State, county or city convention, shall bear all the expense incurred by reason of such election.

Also election of delegates to other conventions

Section 41. That this act shall apply solely to New Castle county, and the laws now in force prohibiting the sale of intoxicating liquors on the day of any general, special or municipal election are hereby excepted, and shall not apply to any election contemplated by this act.

Act applicable to N. C. Co. only

Sale of intoxicating liquors not prohibited on day of primary election

Passed at Dover, May 27, 1897.

CHAPTER 285, VOLUME 22.

AN ACT to amend Chapter 393 of Volume 20, Laws of Delaware, the same being "An Act to provide for thr Purity of Primary Elections on* New Castle County," giving the right to all Qualified Voters at the General Election to vote at the subsequent Municipal Primary Election in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):

Section 1. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the number "18" in the first line, and inserting in lieu thereof the following:

Time for holding
primary election

Revision of reg-
istration.

Department of
Elections.
Duties of.

Who may vote
at municipal
primary election

That the time for holding any primary election shall be after the first day of registration in the month of August, for the ensuing general election, and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of the registration of voters in the City of Wilmington for Municipal elections shall be and the same is hereby made the fourth Saturday previous to the day set for holding the election for municipal officers in the said city. The members of the Department of Elections for the City of Wilmington, in addition to the duties now required of them by law, shall demand of the Clerk of the Peace of New Castle County between the fifth and tenth of April of any year in which a municipal election is held, and it shall be the duty of the said Clerk of the Peace, to deliver to the said Department of Elections for the City of Wilmington, within two days after said demand, the original "Voting Books of Qualified Voters" and "Registers" for all the election districts in the City of Wilmington; and it shall be the duty of the Department of Elections for the City of Wilmington to revise and prepare the "Voting Books of Qualified Voters" as provided for General Elections, and all persons and only they whose names appear on the said "Voting Books of Qualified Voters" shall be entitled to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington,

*So enrolled.

nor shall any person whose name is on the said "Voting Books of Qualified Voters" be disqualified from voting at the municipal election or be compelled to register because of the fact that he failed to vote at the previous general election. The time for opening the polls for the purpose of conducting the primary election under the provisions of this Act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Time for opening polls.

Time for closing

Section 2. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out of said Section after the number "19" in the first line of said Section, and inserting in lieu thereof the following:

"That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of Chapter 393, the chairman or secretary of the regularly organized and constituted county or city committee or governing authority of such political party, organization or association, shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" or the "Voting Books of Qualified Voters" in this Act and in Chapter 393, Volume 20, Laws of Delaware, provided, of their intention of holding a Primary election, stating the day on which they desire the election held, which notification shall be at least two weeks prior to the time for holding such primary election. If no previous notice shall have been received by the said parties from no other political party of its intention to hold a primary election on that day, the said party shall, on or before twelve o'clock of the day for holding such primary elections for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in Chapter 393, Volume 20, Laws of Delaware, in case of a County Primary Election, or the two "Voting Books of Qualified Voters" in case of a Municipal primary election, for each general district that may be contained in the primary election in the hundred or election district of the County or of the City of Wilmington to which such "Voting Books of Qualified Voters for Primary Elections" or "Voting Books for Qualified Voters" shall apply. And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. If any inspector shall refuse, neglect or fail to have the said "Voting Books of Qualified Voters for Primary Elections" at the place of holding the primary elections for any general or special election in the County, or the "Voting Books for Qualified Voters," at the place of holding the primary election for any municipal election in the City of Wilmington-

Notice of desire to hold primary election.

Chairman or Secretary of political party to notify custodians of Voting Books, &c.

Notification—two weeks prior to election.

Delivery of Voting Books.

Duty of Inspectors.

Neglect.

ton, at the time designated in this Act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both.

Misdemeanor.

Penalty.

Voters to vote at the primary election of only one political party.

Section 3. That Section 20, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the words "Primary Election" in the eighth line of said Section and inserting in lieu thereof the following: "For any general or special election in the county, the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by Chapter 393, Volume 20, Laws of Delaware, and as each person shall apply to vote at any primary elections held for any municipal election, the officer thereof shall examine the "Voting Books of Qualified Voters" provided by this Act, and if they find thereon the name of the person applying to vote and be satisfied that he is the person whose name is so registered, they shall enter the word "voted" after his name and such voter shall not be permitted to vote at any succeeding primary election held for that particular election, by any other political party, organization or association. The entry of the word "voted" as aforesaid shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Book of Qualified Voters for Primary Elections", shall be allowed to vote or participate in any primary election for any general or special County election hereinafter held, and no person whose name is not contained in the "Voting Books of Qualified Voters" shall be allowed to vote or participate in any primary election for any municipal election hereafter held. It shall be the duty of the inspector within two days after the day of the primary election to return the said "Voting Books of Qualified Voters for Primary Elections" or "Voting Books of Qualified Voters," used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them, and in case of the "Voting Books of Qualified Voters," within ten days after they have been returned to the Department of Elections for the City of Wilmington, the said Department shall deliver the said Book and Registers to the Clerk of the Peace of New Castle County, taking from them a receipt. If any inspector shall neglect, refuse or fail to return said "Voting Books" as directed in this section, the said Inspector so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offense be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period not exceeding thirty days, or both.

Qualification of voters.

Inspectors to return books to Clerk of the Peace.

Neglect of duty.

Misdemeanor.

Penalty.

Section 4. That Section 24, of Chapter 393, Volume 20, Laws of Delaware, be and the same is hereby amended by inserting after the word "Elections" in the fifth line of said Section the following words: or "Voting Books of Qualified Voters," and to further amend said Section by inserting after the word "appointed," in the seventh line of said Section the following words: "or the Clerk of the Peace shall lawfully neglect, ^{Neglect of Clerk of the Peace.} refuse or fail to deliver to the Department of Elections for the City of Wilmington the said "Voting Books of Qualified Voters," and to further amend the said Section by inserting after the word "Elections" in the ninth line of said Section the following words: "or the Clerk of the Peace of New Castle County."

Section 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 24, A. D. 1903.

CHAPTER 286, VOLUME 22.

AN ACT to amend an Act, entitled "An Act to provide for the Purity of Primary Elections in New Castle County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Not applicable
to National or
State Conven-
tions.

Section 1. That Section 40, of Chapter 393, Volume 20, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "National" and the word "Political" in the fourth line of said Section, the words "or State." That Section 40 be further amended by inserting between "National" in the ninth line of said Section, and the word "political" in the tenth line of the same Section, the words "or state." That Section 40 be further amended by striking out the word "State" in line fourteen of said section, between the word "any" and the "County" of said Section.

Section 2. That the provisions of Chapter 393, Volume 20, of the Laws of Delaware, as hereby amended, be and the same are hereby re-enacted.

Approved March 26, A. D. 1903.

OTHER LAWS

Concerning Elections.

CHAPTER 16, REVISED CODE.

Section 1. At all elections for State or county officers, the electors shall vote within the hundreds, wards, precincts, or election districts in which they shall respectively have resided at least fifteen* days immediately prior to the time of voting, and not elsewhere.

Amended, Chapter 26, Volume 17. Place of Voting.

Section 2. In all elections, unless it is otherwise expressly provided, a plurality, or the highest number of votes, shall make a choice, except where this principle is defeated by two persons having the same number of votes for the same office.

Plurality elects.

Section 3. In all questions of residence, arising under the provisions of the fourth article of the amended Constitution, the following rule shall be observed; that if any person, having resided within the State shall actually remove to another place out of the State, with an intention of remaining there for an indefinite time, as a place of present domicile, he shall lose his qualification of residence within the State, notwithstanding he may entertain a floating intention to return at some future period. The same principle shall be applied to removals from one place to another within the State.

Residence, rule as to.

Section 4. In reading out the ballots at any election, a double vote, that is to say, two or more ballots voted together by the same person shall not be counted or tallied, but both of the ballots, comprising such double vote shall be rejected.

Double votes.

Section 5. If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for, for

Amendment Chap. 421, Vol. 11.

*See Section 2, Article V of Constitution.

such office, such part of the ballot shall be rejected and the residue shall be read.

Election officers;
powers.

Section 6. The presiding officer of an election shall, from the opening of the same until all the duties and proceedings connected therewith are fully completed, have power to command the peace, and to require sureties of the peace from any person disturbing the election or the officers thereof in the performance of their duties, and to commit to prison for refusal or neglect to find such surety; and all officers and other persons, are required to obey the lawful commands of such presiding officer in this behalf, and in default thereof, such officer, or other person, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

Officers and
other persons
required to obey
presiding officer.
Failure, Fine
\$50.

Justice of the
peace and col-
lectors to attend
elections.

Constable to
attend.

Section 7. Every justice of the peace * * * * shall attend at the place of holding an election in the hundred in which he shall reside, from the opening until the close of such election; and every constable shall attend at the place of holding an election in his hundred, and shall there continue from the opening of such election until all the votes cast thereat shall be read and tallied, and the certificates of such election signed, and (if it be at a general election) the ballot box sealed.

* * * * *

Duty of collect-
or, constable
and justice of
the peace.

and it shall be the duty of every justice of the peace and constable to take care that the peace be kept, and that the election be not interrupted or disturbed.

Penalty for
neglect of duty.

If any justice of the peace, * * * or constable, shall refuse or neglect to perform the duties by this section enjoined upon him, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of one hundred dollars.

Wilmington.

Duty of officers.

At elections held in Wilmington hundred, the mayor and alderman of the city of Wilmington shall perform the duties by this section enjoined upon justices of the peace, subject to the same penalty for default therein.

Election officers
penalty for
neglect of duty.

Section 8. If any inspector, collector, assessor, or other presiding officer, judge, or clerk of an election, or if a clerk of the peace, sheriff, coroner, prothonotary or other officer presiding at a board of canvass, shall neglect to perform any duty by the election laws of this State enjoined upon them respectively; or shall use any falsehood, fraud or deceit, or be guilty of any corruption, or misbehavior, in performing any of the said duties; such officer, so offending, shall for every such offence, forfeit a sum, not less than fifty nor more than five hundred dollars, to any person who will sue for the same.

Forfeiture of
\$50 to \$500.

This section shall not extend to any offence or default against which any fine, forfeiture, or penalty is expressly provided by any other section of the chapter. Proviso.

Section 9. If, at any election, the presiding officer or a judge of the election, shall knowingly and wilfully receive, or advise and consent to the receiving, of the vote of any person not entitled to vote at such election; or if such presiding officer, or judge, shall knowingly and wilfully refuse to receive, or advise and concur in refusing to receive, the vote of any person entitled to vote at such election, every such presiding officer, or judge, shall for every such offence, forfeit and pay the sum of two hundred dollars to any person who will sue for the same; or such presiding officer, or judge, shall for every such offence, be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars. Both the aforesaid penalties shall not be incurred for the same offence; and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding. But in all cases, an offender under this section, shall be further liable to be indicted, and punished, as in other cases, for wilful or corrupt perjury in having violated his oath or affirmation as such presiding officer or judge. Penalty for receiving unlawful votes, \$200 fine. \$50 to \$200 fine. Proviso. Perjury.

Section 10. If any presiding officer of an election, sheriff, or other person, shall wilfully destroy, secrete, conceal, embezzle or purloin, or in any manner counterfeit, alter, or vary, any certificate of election, either of a hundred, or of a county, or shall wilfully do any act or thing whereby to prevent any such certificate from being duly produced, returned, or delivered, according to law; such presiding officer, sheriff or other person, shall, for every such offence, be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of five hundred dollars. Destruction, &c. of certificate of election. Penalty, \$500 fine.

Section 11. If any person, not entitled to vote, shall vote, or offer to vote, at any election, or if any person shall vote or offer to vote, in a hundred in which he shall not at the time of such voting or offering to vote reside; or if any person, having voted once, shall vote, or offer to vote, a second time at the same election, either in the same, or in an other hundred; or if any person shall fraudulently deliver, or offer, to the presiding officer of an election, more than a single ballot; every person, so offending, shall for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same; or the person so offending shall, for every such offence, forfeit and pay to the State a fine of not less than fifty dollars, nor more than five hundred dollars. Both of the aforesaid penalties shall not be incurred for the same offence, and a conviction shall not be a bar to a second conviction. Illegal voting. Penalty, \$100. Penalty, \$50 to \$500. Proviso.

tion upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding.

Bribery.

Penalty.

Imprisonment.

Forfeiture.

Disqualification.

Amended Vol.
17. Chap. 26,
Accepting bribe
misdemeanor.

Forfeiture.

Proviso.

Informers not
indictable.

Betting.

Section 12. If any person shall give, offer or promise, any money, goods, chattels or other thing or matter, or release, or offer to release any debt, or obligation by way of bribe, gift, benefit or reward, for the purpose or with the object of influencing any elector in giving his vote, or in refusing to vote, or in absenting himself from the polls at any election; or if any candidate for office at an election, shall, at such election, influence or attempt to influence, any elector, in giving or withholding his vote or in absenting himself from the polls by any of the means aforesaid, or by offering to serve in such office for nothing, or for a less allowance than that prescribed by law; every such person or candidate shall, for every such offense, forfeit and pay the sum of two hundred dollars, one-half thereof to be for the use of the State, and the other half thereof for the person who will sue for the said penalty; and further, any person or candidate so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be imprisoned in the public jail of the county wherein such offence may be committed for a term of not less than one and not more than nine months; and for the term of two years next after said conviction such person shall forfeit the right of an elector; and if any candidate for office, so offending as aforesaid, shall be elected, his office shall, upon his conviction for such offence as aforesaid, be vacated, and he be rendered incapable of serving therein for the term for which he shall have been elected.

And if any person shall accept or receive any thing so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or subsequent conviction, for a like offence, shall forfeit all the rights and privileges of an elector for the period of eight years from the date of any such conviction, and shall also, during the period of such disfranchisement, be incompetent to serve as a juror. Provided, however, that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offence.

Section 13. If any person, either before or pending an election, or during the reading and tallying of the votes cast at an election, shall, for himself, or for another or others, lay any

wager or bet on the result of such election, or on the election or defeat of any candidate or person voted for at such election, every person so offending shall, for every such offence, forfeit and pay to any person who will sue for the same, double the amount of such wager or bet, or double the value of the thing betted. The stakeholder shall, in all cases, be a competent witness to prove such illegal wager.

Penalty.

Witness.

Section 14. If any stakeholder, or person with whom any money or thing, so illegally betted, shall be deposited, shall at any time, either before or after such bet shall have been decided, pay over or deliver, to either or both the persons betting the same, or to any other person by the order or for the use of them, or either of them, the money or thing so illegally betted, every such stakeholder or depositary, shall be liable to the same forfeiture to which the person betting may be liable under the next foregoing section; either of the persons betting shall be competent witnesses against such stakeholder.

On stakeholder.

Witness.

Section 15. If any person shall, on the day of an election, or during the reading and tallying of the votes, at any place where such election is held, or within one mile thereof, commit an assault and battery; or if any person shall interrupt or disturb the election, or the officers thereof, or any of them, in the performance of any of their duties, either in receiving, reading or tallying the votes, or shall interrupt or disturb the Inspectors and Sheriff, or other presiding officer, when assembled as a board of canvass, in performing any of the duties of such board, every such person shall, for every such offence, be liable to be held to surety of the peace, and on failure to give such surety forthwith, to be committed to prison, and shall further forfeit and pay to the State a fine of not less than ten dollars nor more than one hundred dollars.

Breaches of the peace.

Penalty, \$10 to \$100.

Section 16. If any person shall, on the day of an election, or on the day next before or after such day, make, set up, or have, any booth, stall, or other temporary convenience, for the purpose of selling any spirituous, vinous, malt, or other intoxicating liquors, or shall sell, or expose to sale, any spiritous, vinous, malt or other intoxicating liquors, at any place where such election shall be held, or within two miles thereof, or upon any highway, or road leading thereto; every such person shall, for every such offence, forfeit and pay to the State a fine of twenty dollars; and it shall be the duty of every justice of the peace or constable, residing in any hundred, to abate or remove any such booth, stall, or other temporary convenience, so set up or used in such hundred in the manner and for the purpose aforesaid, and to hold the person so having or using such booth,

Stalls for sale of liquor unlawful.

Selling liquor prohibited.

Penalty \$20 fine.

Duty of officers.

stall, or other temporary convenience, to surety of the peace, and in default of such surety being immediately given, to commit such person to prison; and every justice of the peace, or constable, shall have authority to command the assistance of any citizen or citizens, in the premises. No record need be made of the abating or removing of any booth, stall, or temporary convenience as aforesaid; but this section and the truth of the case may in any suit be given in evidence under the general issue. * * * * And no person licensed to sell liquor shall sell, give away, or dispense any intoxicating liquors on the day of any general, special, or municipal election within one mile of the place where the same is held, and such day shall be reckoned from the midnight before till the midnight after such election; and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and, if holding a license under this act, shall forfeit the same in addition to such fine, and be incapable of receiving a license for the space of two years thereafter.

Volume 14,
Chapter 418,
Section 14. Un-
lawful to sell in-
toxicating liq-
uors on the day
of election.

Misdemeanor.
Fine.

Forfeiture of
license.

* * * * *

Militia not to be
called out.

Section 22. If any officer or other person, shall call out or order any of the militia of this State to appear, exercise, or muster on the day of any election, or within ten days before any general election, or three days before any special election or election for assessor and inspector, or within three days after either of such elections, except in case of invasion or insurrection, every such officer or other person shall for every such (page 142) offence, forfeit and pay to the State a fine of one thousand dollars.

Penalty, \$1,000.

Special bail in
suits for penal-
ties.

Section 23. In every suit, or action for a forfeiture, or penalty, under the foregoing provisions (except in cases cognizable before a justice of the peace) special bail may be required of the defendant in double the sum of such forfeiture, or penalty, upon affidavit of the person suing, or of any credible person for him, setting forth the facts on the ground whereof such forfeiture or penalty shall have been incurred.

CHAPTER 487, VOLUME 12.

AN ACT further to Protect the Free Exercise of the Elective Franchise.

Section 1. That if any person who is a duly qualified elector of this State, according to the constitution and laws thereof, shall hereafter be prevented from voting or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such constitution and laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor in the courts of this State, by action of trespass, or on the case, according to the nature of the interference, against all and every person or persons who promoted such interference, whether by active participation or by advising, counselling or in any wise encouraging the same, and in any trial under this act the jury, if in their opinion the circumstances will warrant it, may give exemplary damages.

Obstructions
and interference.Civil action for
damage.

Section 2. That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation or threats forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the Judges of this State, and file the same in the office of the Clerk of the Peace in the county where the Judge resides, and if any such citizen having such knowledge shall fail to make such affidavit and cause the same to be filed as aforesaid he shall be treated as a promoter of the interference mentioned in the first section of this act, and be liable as therein provided.

Citizens to make
disclosures.

Section 3. That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action.

Limitation.

CHAPTER 491, VOLUME 12.

AN ACT further to secure the Free Exercise of the Right to Vote
at Elections.

Military
interference.

Electors shall
have right to
vote. How
and where.

Section 1. That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election in this State, under the provisions of Chapter 18 of the Revised Code, electors duly qualified by the constitution and laws of this State to vote at said place at said election shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said constitution and laws, any number of electors, not less than five, shall have the right to withdraw from said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as inspector, to deliver to him there their respective ballots; which said inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said inspector having first administered to each person offered to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: “You do solemnly swear (or affirm) that you are “of the age of twenty-one years, and not “arrived at the age of twentytwo years, and that you at this time “reside in this hundred, and that you have not voted, and will “not vote on this day at any other place in this or any other “hundred, and that you have resided in this county one month, “and in this State one year next before this election;” and to every person offering to vote on the ground of having paid a tax and being otherwise qualified according to the constitution, the following: “You do solemnly swear (or affirm) that you “are of the age of twenty-two years, and that you at this time “reside in this hundred, and that you have not voted, and will “not vote on this day at any other place in this or any other “hundred, and that you have resided in this county one “month and in this State one year next before this election, “and that you have within two years paid a county tax which “which was assessed at least six months before this election;” and also the further oath that he has been hindred or prevented from casting his vote at the regular place of holding the elec-

Oath.

tion, by military interference, or by the requirement of oaths unauthorized by the constitution and laws of this State.

Section 2. That the polls authorized to be held by the preceding section shall be held at the place where they are opened, unless it be impracticable to hold them there, in which event they shall be adjourned to some other place, or places (if necessary), in the election district where they are opened, and there held, and shall be kept opened until five o'clock in the afternoon, when the Inspector shall close them. As soon as such polls are closed the Inspector holding them, having first ascertained the number of ballots cast, and for whom and for what office the votes were given, and made a certificate thereof, shall seal up the ballots received by him in a box or envelope, and keep them safely, together with the list of the names of the electors who have deposited their ballots with him, until the time of the meeting of the Board of Canvass provided for by the chapter aforesaid, when he shall appear before the said Board with the said ballots and list of voters and his certificate aforesaid, and deliver his said certificate to the said board, with an affidavit made by him upon the same that it contains a true and faithful statement of the number of ballots received by him as aforesaid, the names of the electors who cast them, the number of votes for the different persons voted for, and that at the said poll held by him he did not, knowingly, receive the ballot of any person not a duly qualified voter within his election district, according to the constitution and laws of the State of Delaware, nor did he refuse to receive the ballot of any person so qualified, and who had been prevented from voting at the regular place of voting by military force or the requirement of an oath unauthorized by the constitution and laws of the State of Delaware; and that he determined every matter that came before him and performed every act and duty required of him by law touching the election held by him, truly, faithfully and impartially, according to the best of his skill and judgment.

Polls, where held.

Return to Board of Canvass.

Section 3. That it shall be the duty of the Board of Canvass to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the chapter aforesaid, to take into consideration the number of ballots certified by said Inspector to have been received by him and for whom and for what office the votes were given, and give said certificate the same force and effect, and it shall have the same force effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said Inspector in the same manner as if they had been given at the regular place of voting in said district: Provided always, however, That the

Duty of Board of Canvass.

Proviso.

said Board shall be, and they are hereby required to hear and determine challenges of the right of any person who delivered his ballot to the said Inspector, and reject any ballot if the person who cast the same had not a right to vote under the constitution and laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said Inspector, as are not rejected by the Board of Canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said Board in the regular ballot box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding officer of the Board of Canvass. The said board shall also have power to examine, on oath, the said Inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that the said election was not fairly held by any Inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

Board of Canvass may choose place of meeting in case of military interference

Section 4. That if it shall be apparent to a Board of Canvass that any interference with the performance of their duties under chapter 18 aforesaid and this act will be attempted by military force or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member of a Board of Canvass or any Inspector created by virtue of this act shall be prevented by reason of such interference from attending the meeting of the Board, or if the Board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said Board to adjourn to meet at some other time and other place (if necessary) to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said Board on the part of an Inspector created by authority of this act and the penalties upon him for not appearing shall be the same as in the case of the Inspectors regularly elected according to law, but no such Inspector shall be a member of the Board of Canvass.

Number of polls not limited to two in each district.

Section 5. That nothing herein contained shall limit the voting places to two in an election district, but the emergency contemplated above arising, as many different polls may be held as there are number of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

Clerk.

Section 6. That each Inspector created by authority of this act shall have power to appoint a Clerk to aid him in the

discharge of such duties as are clerical, and shall administer to him before he enters upon the discharge of the duties to be assigned to him an oath or affirmation in these words: "You do solemnly swear (or affirm) that as Clerk of this election you will not use nor assent to any falsehood, fraud or deceit, and that you will keep the polls and perform all your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm)." The Inspectors and Clerks shall receive the same compensation as Inspectors and Clerks elected and appointed under the present election law.

* * * * *

CHAPTER 575, VOLUME 19.

AN ACT Concerning Bribery.

Section 1. That if any person shall bribe or attempt to bribe any one holding or expecting to hold any official position under the election or registration laws of this State, either as Registrar, Judge, Inspector, Voter's Assistant or otherwise, by giving money or the promise of money, office or the promise of office or position, either under the State or Federal government, to perform any service for any political party in this State or to favor any candidate for political office (he) shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars, and may also, in the discretion of the Court, be imprisoned for a term not exceeding six months.

Bribing, or attempt to bribe, any election officer or expectant election officer a misdemeanor.

Penalty.

Passed at Dover, May 4, 1893.

CHAPTER 29, VOLUME 17.

AN ACT in Relation to the Election of Assessors and Inspectors.

Amended, Vol-
ume 19, Chapter
40, Election of
Assessors.

Time and place
of holding
election.

Ballots.

Section 1. That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

* * * * *

Section 2. * * * *

Counting of
votes.

Tie.

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the Inspector shall give an additional casting vote.

Section 3. * * * *

Section 4. * * * *

Section 5. * * * *

Section 6. * * * *

Section 7. * * * *

Section 8. * * * *

Section 9. * * * *

Passed at Dover, April 13, 1883.

CHAPTER 43, VOLUME 21.

AN ACT providing for the Election of Assessors in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That at the general election to be held in the year A. D. 1898, and every second year thereafter there shall be elected from each of the representative districts into which Kent County is divided by the constitution of this State, by the qualified voters thereof, one person to be assessor in and for such representative district.

Election of
Assessors for
Kent county

Section 2. That the person so elected assessor shall be a resident of the district for which he shall be elected ; and shall at the time of his election have been a citizen and inhabitant of the State three years next preceding the day of his election. And the last year of that term a resident of the district for which he shall be elected.

Qualifications of
Assessors:

Section 3. * * * * * * *

Approved June 1st, A. D. 1898.

CHAPTER 394, VOLUME 20.

AN ACT in relation to the Appointment and Election of the Inspectors of Election in and for the State of Delaware, exclusive of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Inspectors for
general election
in 1898 (Wil-
mington except-
ed) appointed by
Governor.

Section 1. That the Governor of this State be and he is hereby authorized to appoint an Inspector for each and every election district in the State of Delaware, (exclusive of the City of Wilmington) to hold the general election for the year A. D. 1898.

Thereafter to be
elected.

Section 2. That at the general election to be held in the year A. D. 1898, and at each and every general election thereafter, the election of Inspectors for the several election districts in the respective counties in this State (exclusive of the City of Wilmington) shall be held by ballot in the districts aforesaid on the Tuesday next after the first Monday in November at the same time and in the same place as are now appointed by law for holding the general election and the said Inspectors shall be voted for upon the same ballots voted for other officers elected at the election aforesaid.

Section 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 8, A. D. 1897.

CHAPTER 21, VOLUME 15.

Preceding Sections of this Chapter supplied. * *

SPECIAL ELECTION FOR GENERAL ASSEMBLY.

Section 37. Whenever a vacancy shall happen in either branch of the General Assembly, whether by death, resignation or removal of a member, by a tie vote at the general election, or otherwise, the speaker of the house in which the vacancy happens (if the General Assembly be then sitting), or (if it be not sitting at the happening of such vacancy), the Governor shall immediately issue writs of election for filling such vacancy, directed to the Sheriff of the county in which such vacancy happens.

Vacancies.
Writs of election.

Section 38. If a writ of election to fill a vacancy in the Senate be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects as the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor.

When executed.

Section 39. If a vacancy shall happen in the House of Representatives after an adjournment without day, of the General Assembly, no writ of election shall be issued under Section 37, unless the Governor shall also issue a writ for convening the General Assembly.

Not to issue: when.

Section 40. The Sheriff shall, on the next day after receiving a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the Court House door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the said writ and appointing a day for holding a special election pursuant thereto---such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day; subject, however, to the provisions of the thirty-eighth section in cases falling within that section.

Notice by Sheriff.
Proclamation.

Section 41. The Sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day ap-

Notice to Inspector.

pointed for holding an election pursuant thereto, to the Inspector of each hundred of his county who served at the preceding general election; or if such Inspector of any hundred be dead, removed or unable to serve, then to the Assessor of such hundred; and the said Sheriff shall, in such written notice require the Inspector or Assessor to produce the certificate of the election, to be held in his hundred, at the Court House of his county, on the day next after the day of holding the election by twelve o'clock noon.

Notice by
Inspector.

Section 42. Every Inspector or Assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of election and the officer or officers to be chosen.

Presiding
Officer, who.

Section 43. The Inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the Assessor of the hundred, shall be the presiding officer for such special election; and if both Inspector and Assessor shall be absent from the place of election at the time for opening the same, the Electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of Elec-
tion.

Section 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place.

Section 45. Every special election shall be held in each hundred at the place appointed by law for holding the general election, and shall be opened, conducted and closed at the same time, and in the same manner, and under the same regulations as the general election.

Manner.

Board of Can-
vass Amended,
Chapter 432,
Volume 17.

Sheriff presides.

Substitutes.

Section 46. The Inspectors of the several hundreds shall, on the day next after the day of holding a special election, at twelve of the clock, noon, meet at the court house of the county as a board of canvass. The sheriff of the county shall then and there attend as the presiding officer of the said board; and in case of his absence, the coroner shall act; and in case of his absence, the prothonotary of the county shall act and in case of his absence a presiding officer shall be chosen by the inspectors present. The certificates of the election in the several hundreds, shall be produced and the State of the election through-

out the county shall be ascertained, and certificates thereof shall be made and returned, in the same manner and under the same regulations as provided for the general election; and the sheriff, or other presiding officer of the board of canvass, shall have the same power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election. Result.

CHAPTER 20, REVISED CODE.

Election of Electors of President and Vice President.

Section 1. The electors to be appointed in this State for the election of a President and Vice President of the United States, shall be chosen by ballot by the citizens of the State having right to vote for representatives in the General Assembly. How chosen.

Section 2. For this purpose an election shall be held on the Tuesday next after the first Monday (in the month of November) of the year in which such electors are to be chosen, in the several counties of this State at the place in the hundreds respectively at which the general election in the same year is held; but if it be impracticable to hold the election at any such place, the Inspector shall appoint some other place and give notice thereof as prescribed in relation to the general election. Election: when held.
Amendment, Chapter 8, Volume 11,
Where.

Section 3. The Governor, in October next preceding every election to be held pursuant to this act, shall by proclamation make known the number of the electors to be chosen, and the day of said election. Proclamation.

Section 4. The election shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects, as the general election for the same year. Election, how conducted.

Section 5. See Section 6, Article V of Constitution and Chapter 38, Volume 21. * * * The lists of the polls, the lists of voters, and alphabetical lists shall be delivered by the several Inspectors to the Clerk of the Peace of the county, agreeably to Section 33 of Chapter 18. How delivered.
Papers.

- Proclamation of result.** Section 6. The Governor shall without delay examine the certificates and ascertain the electors chosen, and make known the same by proclamation, and cause notice of his election to be transmitted to each elector. He shall also cause three lists of the names of the electors, duly made and certified, to be delivered to the electors, according to the act of Congress in that behalf on or before the day appointed for their meeting.
- Lists.**
- No election.** Section 7. If upon examining the aforesaid certificates, it shall appear to the Governor that there has been a failure to choose one or more of the electors to be appointed in this State as aforesaid, or if from any cause electors shall fail to be chosen as hereinbefore prescribed, he shall immediately issue writs for convening the General Assembly, at Dover on the fourth Monday of the same November; and the elector or electors to be appointed in this State for the election of a President and Vice President of the United States and not chosen at the election held pursuant to the provisions of this chapter, shall be appointed by ballot by the General Assembly so convened in joint meeting of the Senate and House of Representatives.
- Legislature convened.**
- To appoint.**
- Mode of choosing.** Section 8. In such joint meeting there shall be a distinct balloting for each elector, and a majority of all the votes given shall be necessary to an appointment; but if upon any ballotings two persons only shall be voted for, and each shall receive an equal number of votes, the Speaker of the Senate shall give an additional casting vote; if upon twice balloting in succession more than two persons be voted for, and one of said persons on each balloting receive one-half the number of all the votes given, the Speaker of the Senate may, on the second balloting, give an additional casting vote to the person having one-half of the number of all the votes given, or if he decline, the Speaker of the House of Representatives may, if he think proper, give an additional casting vote to the person having one-half of said vote.
- Tie.**
- Casting vote.**
- Controlling vote.**
- Disqualification.** Section 9. No member of the General Assembly for the time being shall be appointed an elector of President and Vice President under the foregoing section.
- Certificates, how made.** Section 10. Certificates of such appointment by the General Assembly shall be duly made and signed by the Speaker of the Senate and the Speaker of the House of Representatives, and attested by the clerks of said houses respectively, and shall be transmitted by the Speaker of the Senate as follows, to-wit:
- How delivered.** One to the Governor, in order that lists may be made, certified and delivered, according to the act of Congress in that behalf, and one to each of the electors appointed.

Section 11. The electors chosen or appointed in this State for the election of a President and Vice President of the United States shall meet and give their votes at Dover on the day determined by Congress for that purpose. Electors' meeting.
Voting.

Section 12. In case of the death or inability to attend of either of the electors, or if either of the electors be not present at the said time and place of meeting by twelve of the clock, noon, of the said day, the electors present shall appoint an elector in the place of him so not present. Substitutes.

Section 13. The electors may employ a clerk, who shall receive for his services the sum of ten dollars. Clerk.

Section 14. The electors respectively shall receive for attendance and travel the same compensation as members of the General Assembly, to be paid, as also the compensation of the clerk, by the State Treasurer, on a warrant signed by the electors, out of any money in the treasury not otherwise appropriated. Pay.
Orders.

CHAPTER 21, REVISED CODE.

Election of Representatives in Congress.

Time of election. Amendment Chapter 262, Section 2, Volume 11.

Places.

How conducted.

Returns.

Certificates.

How sent.

Filed.

Proclamation.

Section 1. An election for choosing a representative or representatives, as the case may be, for the people of this State in the Congress of the United States, shall be held on the (Tuesday next after the first Monday) of November, in the year in which the general election is held, in the several counties of this State, at the same places at which the election for members of the General Assembly of this State shall, for the time then being be held, in said counties respectively.

Section 2. Such election for representative or representatives in Congress, shall be conducted in the same manner and form, by the same persons and officers, and under the same regulations in all respects, as the election for members of the General Assembly; and the votes given in each county for representative or representatives in Congress, shall be calculated and ascertained at the same time and place, in the same manner and by and under the same means and regulations as those for members of the General Assembly.

Section 3. Returns shall be made to the Governor as the law directs; and the Governor shall, without delay, examine the returns, and declare the person or persons elected, and shall issue certificates of such election under his hand and the great seal of the State; one of which he shall transmit to the Secretary of State of the United States, and one to the person elected, or if more than one, to each of them; the returns shall be filed in the office of the Secretary of State; and the Governor shall, by proclamation, make public the state of the vote by causing the same to be published in one or more of the public newspapers of this State.

SPECIAL ELECTION.

Vacancies; how filled.

Where

Writs of election

Section 4. Whenever a vacancy shall happen by death, resignation or otherwise in the representation from this State in the House of Representatives of the United States an election shall be held to fill such a vacancy on such day as the Governor shall appoint in the several counties of this State at the same places which at the time shall be prescribed by law for holding the general election.

Section 5. The Governor shall issue writs of election to the Sheriffs of the several counties, reciting the vacancy, and

commanding each Sheriff to cause an election to be held in his county on the day in the said writ mentioned, at the places by law prescribed for holding the general election in said county, for choosing a representative in place of him whose seat shall have so become vacant, which writ shall be delivered to each Sheriff at least seven days before the day therein appointed for holding the election.

Section 6. Each Sheriff shall, within ten days after receiving such writ, put upon the outside of the court house door of his county, and also at one of the most public places in every hundred of his county, a proclamation reciting the said writ and requiring an election to be held pursuant thereto, and shall also deliver such a proclamation to the Inspector of each hundred in his county, who shall have served at the general election then next preceding, or in case of his death, removal or inability to serve to the Assessor of such hundred. Notice by Sheriffs.

Section 7. Such Inspector or Assessor shall forthwith, after receiving such proclamation, give notice of the election by advertisement under his hand, posted in at least five of the most public places of his hundred. Notice by Inspectors, &c.

Section 8. A special election for Representative or Representatives in Congress shall be conducted in the same manner and form by the same persons and officers, and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly, and the votes given in each county shall be calculated and ascertained at the same time and place and in like manner, and by the same method and regulations as in case of such special election. Special elections, how held

Section 9. Returns shall be made to the Governor, who shall declare the person elected, and grant certificates and issue proclamation as prescribed in the third section of this chapter. Returns.

Section 10. It shall be in the discretion of the Governor whether to appoint a day for holding such elections before the day of holding the general election next after the happening of such vacancy, and if the day of holding the general election shall be appointed then the election shall be held and conducted and all the proceedings touching the same had, according to the provisions of the first three sections of this chapter. Governor's selection as to time.

CHAPTER 23, REVISED CODE.

Of Contested Elections.

- Contesting seats in the Legislature. Section 1. Any person intending to contest the election or the eligibility of any one returned by the Board of Canvass as a member of either branch of the General Assembly from either of the counties of this State shall, at least twenty days before the meeting of the General Assembly, give written notice of such intention to the person whose seat he intends to contest, and within ten days after said notice shall deliver to him a written specification of the several grounds upon which it is intended to contest the said election or the eligibility of the person so returned as aforesaid, and if one of said grounds shall be that illegal votes were given at such election for the person so returned, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote.
- Notice of.
- Specifications.
- Illegal votes.
- Names.
- Grounds.
- Counter specifications. Section 2. The person returned as aforesaid shall, within fifteen days after receiving such notice, deliver to the person so contesting his seat a like specification of objections to the right of contestants to such seat.
- Affidavits. Section 3. Every specification as aforesaid shall be verified by affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true, and the voters specified as illegal voters were not entitled by law to vote at the election in question.
- Copies, how delivered. Section 4. Copies of said notice and specifications verified as aforesaid shall be delivered to the Speaker of the House having cognizance of the matter, the contestant to deliver his notice and specifications with his petition on the first day of the session, and the sitting member so to deliver a copy of his specifications to the said Speaker when he delivers them to the contestant.
- Restrictions. Section 5. In the trial of the case of contested election the parties shall be restricted to the grounds of objection in the specifications set forth, and shall not examine into the illegality of any votes other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Section 6. If the House having cognizance of the matter shall determine that the sitting member is not entitled to his seat, it may order that the costs incurred by such contested election be paid by the county from which such member shall have been returned as duly elected, and in that case provision for the payment of such costs shall be made by the Levy Court of the said county at its next session after the adjournment of the General Assembly. Costs.

Section 7. The said House in determining against the claim of the contestant may also decide that the proceeding on his part is frivolous and vexatious, and may order that he shall pay all the costs of the said contested election, but without such order the contestant shall not be liable to costs, and the same shall be paid by the State as heretofore in like cases. In frivolous cases.
Costs of contest.

Section 8. Any order for the payment of costs by the contestant shall be enforced by a writ issued by the Speaker of the House in which such election was contested to the Sheriff of Kent county, directing him to levy and make the amount thereof of the goods and chattels, lands and tenements of the said petitioner, under which writ the said Sheriff shall sell the same or such part thereof as may be necessary to satisfy said writ, upon fifteen days' notice, posted as required in cases of sale on execution process, and shall pay over the amount by him received upon said writ to the State Treasurer, for the purpose of reimbursing to the treasury the sums drawn therefrom to pay the costs of said contested election. Execution for costs.

CHAPTER 33, VOLUME 17.

AN ACT in relation to Contested Elections other than for members of the General Assembly and Governor.

Who may contest.

Causes.

Section 1. Any person claiming to be elected to an office to be exercised in and for any county or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For malconduct on the part of the officers or judges holding the election or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. Where the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

When irregularities shall not invalidate.

Section 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

Section 3.

* * * * *

Chap. 572, Vol. 19.

When set aside for illegal voting

Section 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Proceeding in case of ineligibility of person elected.

Section 5. In cases arising under the second and third causes of contest, specified in section one of this act, a proceeding may be instituted under this act against such person by the person who received the next highest number of votes, for the office at the election under which such ineligible persons was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Section 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvas, or officers legally authorized to ascertain the same, (and at least sixty days before the first day of the term of court at which said contest shall be tried or called for trial, file with the Prothonotary of the Superior Court of this State in and for the county in which said contest is made a full, particular and explicit statement, setting forth fully and specifically the names of any and all officers and judges upon the misconduct of whom he will rely and respecting which he intends to procure evidence, and setting forth the precincts or election districts of such officers and the particular misconduct of each respectively, the names and residences of the witnesses and the substance of their testimony by whom he expects to prove such misconduct; and if such contest shall be based upon the second ground, as set forth in Section 1, such statement shall specifically, full and explicitly state the grounds and causes of the ineligibility of the person whose right to the office is contested; and when such contests shall be made for causes comprised within the third item of said Section 1 the said statement shall explicitly, fully and clearly state the name of any elector, inspector, judge, clerk or other person to whom any bribe or reward shall have been offered; and the time, place and amount of such bribe or reward, and the name and residences of the witnesses by whom the contestant expects to prove the offering of any bribe or reward, with a brief statement of their testimony. And when the ground of contest shall be on the ground of illegal votes, such statement shall specifically, fully and explicitly set forth the names, residences and respective causes of disqualification of each person alleged to have illegally voted, the polls at which such illegal vote has been received, the names of the election officers favoring the acceptance of such vote, whether such vote was challenged by the duly accredited challenger of the party of which the contestant was the candidate and whether all the judges or inspectors present at such polls concurred in accepting and receiving such vote; and if it shall appear that all of such judges or inspectors concurred in accepting or receiving such vote, or that the right of the voters respectively to deposit such votes was not at the time challenged by the duly accredited challenger of the party of which the contestant was a candidate, the legality or illegality of such vote shall not be brought into question in any such contest; and the said statement shall further set forth the names and residences of the witnesses who will be produced on behalf of the contestant to prove such illegal votes and the substance of the testimony to be given by each; and at the trial of any contest, cause or proceeding to be insti-

Written statement to be filed by contestant, what to contain.

Chap. 572, Vol. 19.

Statement upon which contest is based to be filed with prothonotary sixty days before sitting of the court.

What the statement so filed shall set forth.

Causes to be explicitly stated in the following several instances

Names and residences of witnesses to be set forth, together with the substance of the testimony to be given by each.

Contestant to be limited to witnesses named in his statement filed. tuted or continued, or which has been instituted or will be continued under the provision of this act or of the act to which this act is an amendment, the contestant or plaintiff shall be limited in his proof and in the admission of evidence to the witnesses named in said statement, and the witnesses shall be limited in their testimony to the facts set forth in the statement filed and delivered as aforesaid with respect to which it shall be therein alleged that they will be expected to testify; said statement shall be verified by the oath of the contestant that the matters therein set forth are so far as they relate to his own act and deed and that what relates to the act and deed of any other person he believes to be true.)

Witnesses limited in their testimony.

Statement shall be verified by oath or contestant.

Chap. 572, Vol. 19 Section 7. * * * * *

Chap. 572, Vol. 19 Section 8. * * * * *

Duty of Prothonotary. Section 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket (and immediately issue a citation for the person whose right to office is contested to appear on the first day of the second term of the said court to make such defense as he may have in said case, which citation shall be delivered to the Sheriff, or, if he be a party to the contest, to the Coroner) of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided at least five days before the day to which such citation is returnable. The original citation shall be returned to said Prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same.

Chap. 572, Vol. 19

Citation for defendant, to whom issued.

Notice, How served.

Return.

Court may dismiss. Section 10. The Court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed the case shall proceed upon its merits and be tried and determined by the Court by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable.

Chap. 572, Vol. 19 * *

Costs Section 11. The costs in all cases of contests under this act shall be awarded to the various parties entitled thereto in the same manner and as near as can be to the same amount as for like services in other cases tried in said court.

Trial by Court Exception Section 12. All cases of contest under this act shall be fully heard and determined by the Court, without the aid or in-

intervention of a jury, unless one or both of the parties to the contest shall claim a trial by jury, and the Court shall, in their judgment, determine that it is a case which, under the Constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empaneled and the cause proceed according to the rules and practice of the Court in jury trials. Jury

Section 13. In the trial of any contested election under this act, the Court shall have full authority to make an examination of the ballots given in such election, (except that whenever the ballot boxes, ballots, poll lists, tally sheet, or other books or records, pertaining to any election, excepting the certificate of election of the officer against whom the contest may be made, duly signed by the Sheriff or presiding officer of the Board of Canvass and the Inspectors present, and filed according to law, shall have come in any way, legally or illegally, into the possession, care or custody of any person, officially or otherwise who shall have been a candidate and voted for upon the same official ballot as a candidate of the same political party as the contestant, no such ballot boxes, poll lists, tally sheets, or other books or records pertaining to the said election, excepting the certificate of election as aforesaid, shall be offered in evidence in any contest begun or prosecuted under the provisions hereof) and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have tried said cause), either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected. Jurisdiction
Chap. 572, Vol. 19
When ballot boxes, ballots, poll lists, and tally sheets may be offered in evidence

Section 14. If it appear by the judgment of the Court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment should be rendered declaring such person duly elected; * * * * * Election
Chap. 572, Vol. 19

Section 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When election is void
Vacancies; how filled

Execution for
costs

Section 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Contestant to
give security for
costs

Section 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Proviso con-
cerning contests
now pending

(Section 18. Provided, however, that this act shall not be construed to prevent a further prosecution of any contest now pending under the provisions of the act hereby amended if advantage shall be taken of the provisions of this act and the statement required by Section 1 shall be filed and delivered as therein provided by the contestant in any case within ten days after the passage of this act.)

Passed at Dover, March 14, 1883.

CHAPTER 22, VOLUME 18.

AN ACT concerning the Appointment of Electors of President and Vice President.

Section 1. Any person intending to contest the election of any one declared by the Governor to have been chosen an elector of President and Vice-President of the United States shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest the said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the illegal vote was cast.

Notice of contest of election of electors shall be given within ten days

Shall deliver within five days written specifications of grounds

What set forth.

Hundred, election district or precinct shall be stated.

Section 2. The person declared to have been elected as aforesaid and who shall have received notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor, a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

Person whose seat is contested shall within ten days deliver to person contesting and Governor his objection.

Section 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Specification shall be verified by affidavit.

Section 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him delivered to the Canvassing Board, hereinafter created, together with the certificates of the votes given for each person, voted for for elector as returned to him by the respective Boards of Canvass under the election laws of this State, on the first day of the assembling of the Canvassing Board herein created.

Specification verified to be delivered to canvassing board.

Parties shall be restricted to ground of objection in specifications.

The illegality of other votes shall not be inquired into.

Party declared elected or contestant may apply to the Prothonotary of Kent County for subpoena.

Subpoenas to be directed to the Sheriff of county where witnesses reside

Sheriff shall make returns.

Superior Court of State of Delaware for Kent county created a board of Canvass.

Duty of the Governor.

Duty of Superior Court.

Section 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objections in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Section 6. Where any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, for a subpoena or subpoenas for summoning such witnesses as he may wish to appear before the Board of Canvass at such time as shall be in the subpoenas designated. Such subpoena shall be directed to the Sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpoenas for witnesses in civil cases are served. The Sheriff to whom a subpoena may be directed shall make return of his service thereon to the said Board of Canvass on the first day of its meeting to hear the contest.

Section 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a Board of Canvass to hear and determine all contests of elections of electors of President and Vice President, with a power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provisions of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D. 1887; and it shall be the duty of the Governor, whenever a notice of contest is served upon him, immediately to make proclamation convening said Superior Court in special session at the Court House in Dover, on a day to be by him named, which shall not be later than the twentieth day of December next succeeding the day of the election in the year in which the election was held.

Section 8. The said Superior Court, after hearing any contest of election of an elector or electors, shall make out and certify, under the seal of the Court, the ascertainment of the vote of the State for electors, and also certify the names of the persons chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of election at which the electors were chosen.

CHAPTER 329, VOLUME 16.

AN ACT to Secure Free Elections.

Section 1. That if any person or corporation existing or doing business in this State shall hinder, control, coerce or intimidate, or shall attempt to hinder, control, coerce or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State, by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars, or be imprisoned (if a natural person) not more than one year, or both, in the discretion of the Court. And every elector so aggrieved may also in an action of debt brought for that purpose sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

Intimidation at elections by person or corporations prohibited.

Penalty.

Action of debt

Section 2. That in all trials under the provisions of the foregoing section the act or acts of any officer of a corporation, so far as they affect or concern any employe or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act.

Extent of liability of corporations

* CHAPTER 26, VOLUME 19.

AN ACT in Relation to the Levy Court of New Castle County..

* * * * *

Election and
qualification of
Receiver of
Taxes and
County
Treasurer

Term of office

Section 6. * * * That at the general election in the year A. D. 1892, and the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle County qualified to vote for members of the General Assembly, a person being a resident freeholder as aforesaid, to fill the said office of Receiver of Taxes and County Treasurer. The person so elected, as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * *

Election of
Comptroller

Term of office

Section 16. * * * That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle County, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * * * *

*Amended. See Chapter 50, Volume XXII.

CHAPTER 50, VOLUME 22.

AN ACT in relation to the Levy Court of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That the County of New Castle, for the purpose of this Act shall be and the same is hereby divided into seven districts, as follows, to-wit: One shall comprise and be composed of the Second, Fourth, Sixth, Eighth and Ninth wards of the City of Wilmington, being Representative Districts Number One and Number Two in New Castle County, as the same now are bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the First Levy Court District; another shall comprise and be composed of the First, Third, Fifth, Seventh, Tenth, Eleventh and Twelfth wards of the City of Wilmington, being Representative Districts Number Three, Number Four and Number Five in New Castle County, as the same are now bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the Second Levy Court District; another shall comprise and be composed of Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Three in New Castle County and the said district shall be known as the Third Levy Court District; another shall comprise and be composed of Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Four in New Castle County, and the said district shall be known as the Fourth Levy Court District; another shall comprise and be composed of White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred, being Senatorial District Number Five in New Castle County, and the said district shall be known as the Fifth Levy Court District; another shall comprise and be composed of Pencader Hundred and St. George's Hundred, being Senatorial District Number Six in New Castle County, and the said district shall be known as the Sixth Levy Court District; and the remaining districts shall comprise and be composed of Appoquinimink Hundred and Blackbird Hundred, being Senatorial District Number Seven in New Castle County, and the said district shall be known as the Seventh Levy Court District.

Divided into
seven districts.

Boundaries.

Section 2. That at the general election to be held in the year A. D. one thousand nine hundred and four, and at the general election to be held in every fourth year thereafter, there

To take effect
in 1904.

shall be elected from among the resident electors of each of said districts, by the qualified voters thereof, one person to be a Levy Court Commissioner of New Castle County, to hold office, as such Commissioner, for the term of four years, commencing on the first Tuesday in the month of January next following each election.

To meet for organization first Tuesday in January after election.

Section 3. That the said Levy Court Commissioners so to be elected, shall thereafter constitute the Levy Court of New Castle County, and shall meet for organization on the first Tuesday in January after their election, and after taking the oath prescribed by the Constitution shall proceed to elect one of their number to be the presiding officer. Four of the Levy Court Commissioners shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have the power to make rules for their government not inconsistent with the Constitution and the laws of the State, and after their said first meeting they shall meet at the times now prescribed by law for the meetings of the Levy Court of said county.

Governor to appoint in case of vacancy.

Section 4. In case of the death, resignation, ineligibility or removal from the Levy Court District of any Commissioner elected under the provisions of this Act, at any time, it shall be the duty of the Governor to appoint some suitable person having the qualifications hereinbefore required in that behalf to fill the vacancy so created pursuant to the provisions of the Constitution in that behalf.

Powers of

The Levy Court Commissioners to be elected under this Act shall have as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle County, as at present constituted and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the said Levy Court of New Castle County, as fully and completely as the said Levy Court now by law is authorized to do.

In case of tie vote Governor to appoint.

Section 5. Should any two or more persons voted for as Levy Court Commissioners in any district receive an equal and the highest number of votes cast at any election, the Superior Court of the State of Delaware, in and for New Castle County, sitting as the Board of Canvass in said county, shall certify that fact to the Governor, who shall forthwith select one of said persons to be the Levy Court Commissioner from said district.

Salary of.

The Levy Court Commissioners to be elected under the provisions of this Act, shall receive, as full compensation for their services, the sum of eight hundred dollars annually, in quarterly installments of two hundred dollars each, by warrants duly drawn upon the County Treasurer.

Section 6. That from and after the time this Act becomes a law until the thirty-first day of December, A. D. 1904, the Levy Court of New Castle County shall consist and be composed of seven Levy Court Commissioners, to wit: the five Levy Court Commissioners elected in said county at the general election in November, A. D. 1900, and two Levy Court Commissioners to be appointed by the Governor; and the said five Levy Court Commissioners so elected as aforesaid, and the said two Levy Court Commissioners so to be appointed as aforesaid shall constitute the Levy Court of New Castle County until the time aforesaid; and the Governor is hereby authorized and empowered to appoint two suitable persons from among the electors of said county to be Levy Court Commissioners of New Castle County as aforesaid for the term aforesaid.

Levy Court to consist of seven members.

Governor to appoint two additional members thereof.

The said Levy Court Commissioners so elected and so appointed shall have, possess, enjoy and exercise all the rights, powers, privileges and duties of Levy Court Commissioners of New Castle County, now vested by law in Levy Court Commissioners of New Castle County, and shall each receive the compensation now fixed by law; and the said Levy Court so constituted shall have, possess and enjoy as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle County, as at present constituted, and shall possess, enjoy and exercise fully and completely all and every the powers, privileges, rights and duties that the Levy Court of New Castle County now by law possesses, enjoys and exercises.

Powers and duties of Levy Court thus constituted.

Section 7. That all Acts or parts of Acts inconsistent herewith, or repugnant hereto, or supplied or manifestly superseded hereby, be and the same are hereby repealed and made null and void.

Approved March 7, 1901.

CHAPTER 22, VOLUME 21.

AN ACT reorganizing the Levy Court of Kent County and Defining its Powers and Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. * * * * *

Levy Court
how composed.

Districts.

Section 2. That from and after the said first Monday in June, 1898, the Levy Court of Kent County shall be composed of ten members, one of whom shall be chosen from each of the ten Representative districts into which Kent county is divided by the Constitution of this State, in the manner hereinafter provided.

Section 3. * * * * *

Election.

Term.

Qualifications

Districts

Term

Election

Term

District

Term

Section 4. That at the general election to be held in the year A. D. 1898, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the representative districts to wit: Numbers two, three, four, eight and ten by the qualified voters thereof, one person to be Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1898, shall hold their respective offices until the first Tuesday in February, A. D. 1903, and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1900 and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the following representative districts, to wit: Numbers one, five, six, seven and nine by the qualified voters thereof, one person to be a Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1900 shall hold their respective offices until the first Tuesday in February A. D. 1905 and until their successors are duly elected and qualified.

Vacancies

Section 5. * * * * *

In case of death, resignation or removal from the district of any Commissioner elected or appointed under the provisions of this act it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term, having the qualifications hereinbefore required in that behalf. * * * *

Tie vote

Should any two or more persons voted for as Levy Court Commissioners of any district receive an equal and highest number of votes cast at any election the Board of Canvass shall certify

the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February then next, and at the general election then next to be held in said county a successor shall be elected in said district for the unexpired term of two years. * * *

Appointment

Election of
successor

Approved May 19, A. D. 1898.

CHAPTER 54. VOLUME 22.

AN ACT reorganizing the Levy Court of Sussex County and Defining its Powers and Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the first Tuesday in February, A. D. 1903, the Levy Court of Sussex County, as now organized and constituted, be and the same shall be abolished, and the terms, duties and powers of the office of the Levy Court Commissioners now composing the Levy Court of Sussex County are hereby declared to be terminated and ended on the said first Tuesday in February, A. D. 1903.

Levy Court
as now constitu-
ted to be abol-
ished in 1903

Section 2. That from and after the said first Tuesday in February, A. D. 1903, the Levy Court of Sussex County shall be composed of ten members, one of whom shall be chosen from each of the ten Representative Districts into which Sussex County is divided by the Constitution of the State, in the manner hereinafter provided.

To be composed
of ten membersOne from each
Representative
District

Section 3. That at the general election to be held in the year A. D. 1902, there shall be elected from among the resident freeholders from each of the odd numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of two years, and from among the resident freeholders from each even numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of four years.

How elected

Section 4. That at the general election to be held in the year A. D. 1904, and every fourth year thereafter, there shall be elected for the term of four years from among the resident free-holders from each of the odd numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1904 shall hold their respective offices until the first Tuesday in February, A. D. 1909, and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1906, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the even numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1906, shall hold their respective offices until the first Tuesday in February A. D. 1911, and until their successors are duly elected and qualified.

To meet for organization.

Clerk of the Peace to have deciding vote in case of tie.

To make rules.

Meetings of.

Governor to appoint in case of vacancy.

Jurisdiction.

Section 5. The persons elected Levy Court Commissioners under the provisions of this Act shall meet for organization on the first Tuesday in February following their election, and shall take the oath of office, now provided by law for Levy Court Commissioners, and shall organize by electing one of their number presiding officer, and in case of two of said Levy Court Commissioners shall receive an equal and highest number of votes for said presiding officer, and in case there shall be a tie vote on any other question whatever (all the members of said Levy Court being present and voting), the Clerk of the Peace of Sussex County, or such other person as may hereafter be Clerk of the Peace of the said Levy Court, shall have the deciding vote. Six of the said Levy Court Commissioners shall be sufficient for organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have power to make rules for their government not inconsistent with the Constitution and the laws of the State of Delaware; and after their first meeting they shall meet at the County Building in the Town of Georgetown, on the first Tuesday in each and every month, in each and every year, excepting the months of June, July, August and September. In case of death, resignation or removal from the district of any Commissioner elected or appointed under the provisions of this Act, it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term having the qualifications hereinbefore required in that behalf. The Levy Court Commissioners appointed and to be elected under the provision of this Act, shall have full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of Sussex County as at present constituted, and in

the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the Levy Court of Sussex County, as fully and completely as the Levy Court now by law is authorized to do, except as the same is or may be modified by the provisions of this Act. Should any two or more persons voted for as Levy Court Commissioners of any district receive equal and highest number of votes cast at any election, the Board of Canvass shall certify to the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February, thence next ensuing, and at the general election then next to be held in said county, a successor shall be elected in said district for the unexpired term of two years. The Levy Court Commissioners appointed and to be elected under the provisions of this Act shall be paid for their services the yearly sum of two hundred dollars (200.00), in quarterly instalments of fifty dollars each, in lieu of all other compensation, by warrants duly drawn on the County Treasurer. That it shall be the duty of the present Levy Court of Sussex County and every Commissioner thereof, and every person having control or possession of any records, books, papers or other property belonging to the said Levy Court of Sussex County, on the first Tuesday in February, A. D. 1903, to surrender and deposit the same with the Clerk of the Peace of the said county, who shall keep the same subject to the control of the Levy Court Commissioners elected or appointed under the provisions of this Act. And in case the said Levy Court, or any Commissioner thereof as aforesaid, shall neglect or refuse on demand of said Levy Court Commissioners appointed or elected as aforesaid to surrender or deliver up such records, books, papers or other property to the said Clerk of the Peace in and for Sussex County, such and every person so neglecting or refusing as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five hundred dollars, and be imprisoned for the term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said Levy Court or Levy Court Commissioner.

Board of Canvass to certify vote to Governor in case of tie.

Governor to appoint until next election.

Successor elected for unexpired term.

Salary.

To surrender records, books, &c., to Clerk of the Peace.

Penalty for refusing.

Section 6. That the said Levy Court Commissioners, at their first meeting in March, A. D. 1903, and in each and every year thereafter, after having settled with the collectors of the said several districts as hereinafter provided, shall appoint for each of the ten Representative Districts one qualified voter resident therein, to be Collector of Taxes of said district for the year in which he shall be appointed, who shall have all the power and authority, and be subject to all the requirements, qualifications and duties heretofore imposed upon Collectors of Taxes in and for the county aforesaid.

To appoint a Collector of Taxes for each district.

Duty of Collectors.

Collectors in arrears ineligible for reappointment.

Offices of Trustees of the Poor terminated A. D., 1903.

Levy Court to appoint ten Trustees.

How and when appointed.

Vacancies to be filled by Levy Court at any meeting of.

In addition to other duties to certify to Levy Court amount necessary for maintenance of Almshouse.

Levy Court to levy tax therefor.

It shall be the duty of said several collectors in said county to make a full and complete settlement with the Levy Court in March in each and every year, at which time the said Levy Court shall allow each of said collectors such errors, delinquents and uncollectable taxes as it shall deem meet and proper. After such errors, delinquents and uncollectable taxes and the per centum hereinbefore provided for shall be allowed and deducted from the aggregate amount of the duplicate delivered to each of said collectors, if then any or all of said collectors are in arrears to said county, such collector or collectors as are in arrears shall be ineligible for reappointment unless such arrearages shall be immediately paid over to the County Treasurer of said county.

Section 7. That from and after the first Tuesday in February, A. D. 1903, the terms of office of the several Trustees of the Poor heretofore appointed by the said Levy Court of Sussex County shall then be terminated and ended and the Levy Court Commissioners appointed and to be elected by and under the provisions of this Act, be and they are hereby authorized and directed, and it shall be their duty to appoint for each of said Representative Districts a qualified voter of and resident in the district, and the person so appointed shall compose the Trustees of the Poor for Sussex County. The said Levy Court shall, at its first meeting in February, A. D. 1903, appoint from the odd numbered districts five Trustees of the Poor, who shall serve until the February meeting of the Levy Court in the year A. D. 1905, when their successors shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter; and five other Trustees shall be appointed by said Levy Court at its first meeting in February, A. D. 1903, from the even numbered districts, who shall serve until the February meeting of the Levy Court in the year A. D. 1904, when their successors shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter. In case of a vacancy or vacancies happening by death or otherwise, the Levy Court shall at any meeting thereof fill the same for the unexpired term. In addition to the powers and duties now possessed and imposed on the Trustees of the Poor of Sussex County aforesaid it shall be their duty to certify to the Levy Court, on or before the first Tuesday in March, A. D. 1904, and in each and every year thereafter, an estimated amount of the appropriation which it will require for the maintenance of the Alms House for the year succeeding, beyond the produce and income derived from the Alms House farm; and the said Levy Court shall levy a proper rate for that purpose, to be levied with the other county rates, and to be collected by the county collectors of said county as provided by this Act.

Section 8. That for all work and labor required to be done upon the public roads of said county, or for the construction, repair and maintenance of bridges which are maintained at public expense, and for all materials, tools, implements and machinery to be furnished, had, used, for or on account of said county, where the cost in any particular case, section or district which may be established by said Levy Court, which will probably exceed two hundred dollars, the Levy Court shall publicly advertise for proposals for the doing of said work and for the furnishing of said materials, tools, implements and machinery, and shall give the contract to the lowest, competent and responsible bidder or bidders, and the Levy Court shall require of each bidder or bidders a bond to the State of Delaware in double the amount of such bid, with surety or sureties to be approved by the said Levy Court for the faithful performance of such contract.

For public work in excess of \$200 shall advertise for bids therefor.

Bidder or bidders to give bond.

Section 9. That it shall be the duty of the said Levy Court of Sussex County at its first meeting in March, A. D. 1903, and in each and every year thereafter, to appoint for each of said ten Representative Districts one or more qualified voters resident therein to be Overseer, or Overseers of Roads, whose duties, powers, qualifications and requirements shall be the same as now required and imposed by law upon Road Overseers, except as herein provided; provided, that the said Levy Court shall not assign to any of said Road Overseers a road lying partly in two or more districts. And further Provided, that where a road is the dividing line between two districts an Overseer therefor may be appointed from either district. And it shall be the duty of each of said Levy Court Commissioners on such days in February, A. D. 1903, as he shall designate, and in each and every year thereafter, to settle with the said Road Overseers in his district at some central and convenient place to be by him designated, notice of which time and place of meeting shall be given to each of said several Road Overseers by each of said Levy Court Commissioners, either in person or by letter at least ten days before the time of meeting, and the said Levy Court Commissioners, and shall make a report in writing to said Levy Court at its next session, which report shall show an itemized statement of all expenditures made by each of said Road Overseers, accompanied by the stubs of orders drawn on the County Treasurer for all such items. Provided, that no per diem or mileage shall be allowed to any Road Overseer or Levy Court Commissioner for or on account of attending said meeting or making said report.

To appoint road overseers in each representative district.

Each Levy Court Commissioner to settle with Overseers of his district.

Notice of meeting.

Levy Court-Commissioners to make itemized report to Levy Court.

No per diem for said meeting.

Section 10. That the said Levy Court shall, on the first Tuesday in March, A. D. 1903, and in each and every year thereafter, appoint for each of the said several ten Representative

Levy Court to
appoint Con-
stable in each
representative
district.

Powers of.

Districts at least one, and as many more as the law provides, qualified voters resident therein, to be Constable or Constables for the said districts for the year in which they shall be appointed and who shall have all the power and authority and shall be subject to all the requirements, qualifications and duties heretofore imposed or obligated by law upon Constables in and for Sussex County aforesaid.

Majority to elect
all officers.

Clerk of the
Peace to decide
tie vote.

Levy Court
Commissioner
of each district
to have right to
nominate all
officers therein
except those
subject to bond.

Section 11. That the votes of a majority of all the members elected to said Levy Court shall be necessary to elect or appoint all officers that the said Levy Court is now, or may be hereafter authorized by law to elect or appoint; provided, that in case of a tie between the two candidates receiving the highest number of votes the Clerk of the Peace of Sussex County, or such other person as may hereafter be the Clerk of the said Levy Court, shall have the deciding vote, as hereinbefore provided for. And further provided, that each Levy Court Commissioner shall nominate, and the Levy Court shall elect, all officers for their respective districts which said Levy Court is now or may be hereafter authorized by law to elect or reappoint, which officers are not by law required to enter bond.

Grand and petit
jurors to be di-
vided equally
between dis-
tricts.

Section 12. The said Levy Court in selecting Grand and Petit Jurors shall apportion the number required by law among the several Representative Districts equally as may be.

All consistent
existing laws to
be applicable.

Section 13. That all existing laws in relation to the Levy Court of Sussex County shall be applicable to the Levy Court of Sussex County as composed and constituted under the provisions of this Act, so far as they are consistent herewith.

Section 14. All acts or part of Acts inconsistent with this Act are hereby repealed.

Approved March 9, A. D. 1901.

CHAPTER 27, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Section 5. At the general election to be held in Kent County in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two years commencing on the Thursday next following the first Tuesday in February next succeeding said general election. * * * *

Election of
County Treas-
urer.

Term of office.

CHAPTER 28, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Section 5. At the general election to be held in Sussex County in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county to be County Treasurer, who shall hold his office for the term of two years, commencing on the Thursday next following the first Tuesday in February next succeeding said general election. * * * *

Election of
County Treas-
urer.

Term of office.

CHAPTER 31, VOLUME 17.*

AN ACT in relation to the Election of Road Commissioners in New Castle County.

Election of
Road Commis-
sioners.Term of present
Commissioners.

Certificates.

To whom trans-
mitted.

Form

Certificates
when hundred is
divided.

Meeting.

When and
where.

Section 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November elect the Road Commissioners for said hundred according to the rotation now established. All of said Commissioners whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act shall continue to hold office until the time of holding the same.

Section 2. Immediately upon closing the election aforesaid in the several hundreds and ascertaining the state of the vote the Inspector and Judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected Road Commissioner or Commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the Road Commissioners elected and one to the Clerk of the Peace of the county, to be filed in his office. Said certificates shall be of the following form, viz.:

NEW CASTLE COUNTY, ss.

At the general election held in.....hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred.....was duly elected road commissioner for said hundred.

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

Section 3. If the said hundred in which said election is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the same time and in the same places of voting as now by law required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate

*As to Brandywine Hundred, See Chapter 50, Volume XX, Laws of Delaware.

number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of Road Commissioner or Commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

Ascertainment
of vote.

Certificate.

Tie.

CHAPTER 65, VOLUME 22.

AN ACT in relation to the Election of Road Commissioners in New Castle Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The Road Commissioners of New Castle Hundred have no authority over the roads and streets within the corporate limits of the City of New Castle.

Therefore be it enacted by the authority aforesaid, as follows :

Qualified electors of New Castle not to vote for Road Commissioners.

Section 1. That from and after the passage of this Act no qualified elector who is a resident of the City of New Castle shall have the right to vote at any general or special election for any Road Commissioner, or Road Commissioners, to be elected in the said Hundred.

Official ballots for voters of City of New Castle not to contain names of Road Commissioners.

Section 2. At every election hereafter held at which a Road Commissioner is to be elected the official ballots shall be so prepared that those to be used by residents of the City of New Castle shall not contain the candidates to be voted for as Road Commissioners, while all ballots to be used in other portions of said New Castle Hundred at such elections shall contain the names of the candidates for said office.

Approved March 14, A. D. 1901.

CHAPTER 255, VOLUME 22.

AN ACT to change the voting place in the Second Election District of the Eleventh Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after the approval of this Act all persons entitled to vote at any general or special election in the Second Election District of the Eleventh Representative District in New Castle County, shall vote at the public house of William Smith, at Kirkwood, known as the Kirkwood Hotel, in said district.

Voting place in
2d Election Dis-
trict of the 11th
Representative
District to be at
Kirkwood
Hotel.

Section 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 24, A. D. 1903.

CHAPTER 3, VOLUME 22.

AN ACT changing the boundaries of the Third and Fourth Election Districts of the Tenth Representative District, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Boundaries of
Third Election
District of 10th
Representative
District
changed.

All that part of New Castle Hundred south of the New Castle and Christiana road and Delaware Street, in the town of New Castle, to where it is crossed by the Delaware Railroad cut-off, and west of the Delaware Railroad cut-off, to where it connects with the main line of the Delaware Railroad, and west of the main line of the Delaware Railroad, to where it is crossed by the State road, thence southerly by the State road to the boundary line between Red Lion Hundred and New Castle Hundred, shall be known as the Third Election District of the Tenth Representative District.

Boundaries of
Fourth Election
District of 10th
Representative
District
changed.

All that part of New Castle Hundred south of Delaware Street beginning at the Delaware River and following the line of said Delaware Street westerly to the Delaware Railroad cut-off, thence by the line of said cut-off railroad to its intersection with the main line of the Delaware Railroad, thence by said main line of the Delaware Railroad to where it is crossed by the State road, thence southerly along State road to the boundary line between Red Lion Hundred and New Castle Hundred, shall be known as the Fourth Election District of the Tenth Representative District.

Approved March 23, A. D. 1901.

CHAPTER 4, VOLUME 22.

AN ACT to change the voting place in the Second Election District of the Eleventh Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all persons entitled to vote at all general and special elections in the Second Election District of the Eleventh Representative District in New Castle County, shall vote at School House in School District No 57 in said District.

Place of holding elections in 2nd Election District of 11th Representative District, New Castle County.

Section 2. That all Acts or parts of Act inconsistent herewith be and the same are hereby repealed.

Approved March 9, A. D. 1901.

CHAPTER 54, VOLUME 23.

AN ACT to establish the voting place of the Third Election District of the Tenth Representative District, in New Castle Hundred, New Castle County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act the voting place for all elections to be held in the western election district of New Castle Hundred, known as the Third Election District of the Tenth Representative District of New Castle County, Delaware, shall be at the Store situate on the northwest corner of Ninth Street and Washington Avenue of the municipality of New Castle.

Establishing voting place for Third Election District of Tenth Representative District, New Castle County.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved March 16, A. D. 1905.

CHAPTER 158, VOLUME 21.

AN ACT to divide Kenton Hundred and Representative District Number Three of Kent County into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Representative
District No. 3
divided into two
Election Dis-
tricts.

Dividing line.

First Election
District.

Second Election
District.

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in Kenton Hundred and Representative District number three of Kent County the said Hundred and Representative District is hereby divided into two Election Districts, viz: By a line beginning at a point on the line between the State of Maryland and the State of Delaware where the said State line is intersected by the centre line of the road leading from Millington to Clayton; thence along the centre line of said road in an easterly direction to the centre line of the road leading to the Middle Alley road and the Kenton road; thence along the centre line of the said road leading to the Middle Alley road and the Kenton road, in a southerly direction, to the centre line of the Kenton road, thence along the centre line of said Kenton road, in an easterly direction, to the "Whitehouse;" thence, in a southerly direction along the centre line of the road leading from the "Whitehouse" to the road leading from Springs Mills to Brenford, and thence in an easterly direction along the centre line of said road, leading from Spring's Mills to Brenford, to the centre line of the Delaware railroad at Brenford. All that part of Kenton Hundred and Representative District number three of Kent County lying north and east of said dividing line shall be the first Election District of Representative District Number three of Kent County; and all that portion of said hundred and representative district lying south and west of said dividing line shall be the Second Election District of Representative District Number three of Kent County.

Approved March 9, A. D. 1899.

CHAPTER 6, VOLUME 22.

AN ACT designating the voting place in the First Election District of Representative District Number Three of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Three of Kent County, shall be held at the times and in the manner fixed by law in the building now occupied and used by Thomas Holliday, in the town of Clayton, as and for a wheelwright shop.

Place of holding elections in Election District No. 1 of Representative District No. 3.

Approved February 18, A. D. 1901.

CHAPTER 8, VOLUME 22.

AN ACT designating the voting place in the Second Election District of Representative District Number Three of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That after this Act becomes a law, every General and Special Election held in the Second Election District of Representative District Number Three of Kent County, shall be held in the building now kept as an inn, tavern and hotel, by Samuel Fortner, in the town of Kenton.

Place of holding elections in Election District No. 2 of Representative District No. 3.

Approved February 18, A. D. 1901.

CHAPTER 9 VOLUME 22.

AN ACT to divide Representative District Number Seven of Kent County into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Representative
District No. 7
divided into two
election districts

Section 1. That for the purpose of holding elections for District, County and State offices in Representative District Number Seven of Kent County, the said Representative District is hereby divided into two Election Districts, viz:

Boundaries
thereof.

By a line beginning at Stubbs Corner where the public road from Camden to Willow Grove intersects the northern line of the Sixth Representative District of Kent County and following the centre line of the said Camden and Willow Grove road in a northeasterly direction to the centre line of the Cedar Lane road; thence along the centre line of the Cedar Lane road, in a southeasterly direction to the centre line of the public road from Camden to Canterbury; thence along the centre line of the said Camden road a short distance in a northerly direction to the centre line of the public road leading to Green's Mill and Rising Sun; thence along the centre line of the Green's Mill and Rising Sun road in an easterly direction to the centre line of the public road leading from Camden to Magnolia at Rising Sun; thence following the centre line of the said Camden and Magnolia road in a southeasterly direction to the northern line of the Eighth Representative District of Kent County. All that part of Representative District Number Seven of Kent County lying north, east and west of said dividing line shall be the First Election District of Representative District Number Seven of Kent County, and all that portion of said Representative District lying south, east and west of said dividing line shall be the Second Election District of Representative District Number Seven of Kent County.

Camden to be
voting place in
Election Dis-
trict No. 1.

Woodside to be
voting place in
Election Dis-
trict, No. 2.

Section 2. That the town of Camden, Kent County, shall be the voting place of the First Election District of the said Representative District, and the town of Woodside, Kent County, shall be the voting place of the Second Election District of the said Representative District.

Approved March 9, A. D. 1901.

CHAPTER 13, VOLUME 22.

AN ACT designating the voting places in the Second and Third Election Districts of the Tenth Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That after this Act becomes a law every general and special election held in the new Second Election District of the Tenth Representative District of Sussex County shall be held at the place heretofore designated by law for holding elections in the Second Election District of the Tenth Representative District of Sussex County, and every general and special election held in the Third Election District of the Tenth Representative District of Sussex County shall be held at Henry Wolf's Old Store, or as near thereto as practicable, in said district.

Voting place in New Second Election District of Representative District No. 10 to be as before.

Voting place of Election District No. 3 of Representative District No. 10 to be at or near Henry Wolf's Old Store.

Approved March 14, A. D. 1901.

CHAPTER 12, VOLUME 22.

AN ACT to divide the Second Election District of the Tenth Representative District of Sussex County into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Election District No. 2 of Representative District No. 10 of Sussex Co. divided into two election districts

Boundaries.

Section 1. That for the purpose of holding elections for Hundred, District, County and State officers in what is now the Second Election District of the Tenth Representative District of Sussex County, the said Election District is hereby divided into two Election Districts, as follows: By a line beginning at Broadkiln Inlet at the entrance to the Delaware Bay; thence up Broadkiln Sound on a line of Broadkiln Hundred to Broadkiln River; thence up said river to Mill Creek; thence up said Mill Creek to Black Oak Gut; thence up Black Oak Gut and across the new road leading from Lewes, to Nassau to the old road leading from Milton to Lewes, at or near Yellow Hill School House; thence with said public road by way of Five Points and Prettyman's Corner to the public road leading from Lewes to Rehoboth, at William H. Virdin's farm; thence in a southeasterly direction across said Virden farm and southwest of the farm house to the head of Wolf's Glade; thence down and with the stream in said Wolf's Glade to Lewis Creek; thence turning and running in an easterly direction to a point at the ocean shore, one-half mile south of Cape Henlopen Life Saving Station. All that part of the Second Election District of the Tenth Representative District of Sussex County lying on the north side of said dividing line shall remain and be the Second Election District of the Tenth Representative District of Sussex County; and all on the south side of said dividing line shall be the Third Election District of the Tenth Representative District of Sussex County.

Approved March 14, A. D. 1901.

CHAPTER 10, VOLUME 22.

AN ACT dividing the Fifth Representative District of Sussex County into two Election Districts by a new dividing line of said district.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in the Fifth Representative District of Sussex County, the said Representative District, in lieu of the present subdivision into election districts, viz. :

At Warrington's Store, thence in a westerly course by the farm of E. H. Warrington, thence over the branch by the farm of J. Cannon to the junctions of the road; thence in a north-westerly direction by the residence of T. Ward and J. Ward to the mill stream of Ellis' Mills, over the stream to the main country road leading from Laurel to Smith's Mills by Kings Church; thence in a westerly course by a new road by the farm of E. C. Gordy to the old State road; thence south down the old State road to Mrs. H. Lynch; thence in a westerly course by the farm of E. Ollephant and the farm of S. Hill to the main road leading from Laurel to Delmar; thence in a northerly direction to the road leading to Bacon's Switch; thence in a westerly direction leading to Bacon's Station, across the railroad, down the main country road by Jonathan Rickards, by the farm of J. W. Rickards till it strikes the road leading to Spring Hill; thence southerly to fork of road near Ralph Store; thence in northerly direction to the land of Charles Walson; thence in a westerly course around said land back; thence in a westerly direction to the main country road by William B. Rickards, S. P. Twilley and J. E. Twilley to the corner of D. M. Phillips; thence in a westerly direction to William Owens; thence in a southerly direction to A. R. Bradley; thence in a westerly direction to a point of R. Twilley's farm.

Changing
boundary lines
of the two elec-
tion districts
of Representa-
tive District
No. 5 of Sussex
County.

Approved March 9, A. D. 1901.

CHAPTER 11, VOLUME 22.

AN ACT designating the voting places in the Election Districts of Representative District Number Five in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Voting place of Election District No. 1 of Representative District No. 5 to be at or near Laurel House in town of Laurel.

Section 1. That from and after this Act becomes a law every general and special election held in the First Election District of the Fifth Representative District of Sussex County shall be held at or near the Laurel House in the town of Laurel.

Voting place of Election District No. 2 of Representative District No. 5 to be at or near Store House of Wm. L. Sirman, town of Delmar.

And every such election held in the Second Election District of the said Fifth Representative District of Sussex County shall be held at or near the store house of William L. Sirman in the town of Delmar.

Approved March 9, A. D. 1901.

CHAPTER 55, VOLUME 23.

AN ACT designating the voting place in the First Election District of Representative District Number Six of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Establishing voting place for First Election District of Sixth Representative District in Sussex County.

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Six of Sussex County, shall be held at the times and in the manner fixed by law at or within a radius of one-half mile from "Marvel's Old Tan Yard" in the County and District aforesaid, and in the building owned by Geo. W. Marvel, or any other suitable building within the above boundary.

Approved, March 2, A. D. 1905.

Laws Relating Especially To Wilmington Hundred.

CHAPTER 40, VOLUME 21.

AN ACT creating a Department of Elections for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That for the objects and purposes hereinafter set forth the Governor of the State of Delaware shall in the manner and at the times and for the terms set forth in Section 2 of this act appoint three persons of the city of Wilmington, who shall constitute a department of Elections for the said city of Wilmington, and with the powers and duties prescribed in the sections following.

Appointment of department of elections of city of Wilmington.

Section 2. That the terms of office of the present members of the Department of Elections for the city of Wilmington, as the same was constituted pursuant to the provisions of Chapter 39, Volume XIX, Laws of Delaware, shall not be vacated, but the said officers shall continue during the original term thereof, and said members shall during the continuance of their respective terms be members of the Department of Elections for the city of Wilmington created by this act. At the expiration of the term of office of the said member which shall be the first to terminate and biennially thereafter the place of the retiring member shall be filled by appointment by the Governor for the term of six years. No person shall be eligible to appointment as a member of said Department of Elections who is not a citizen of the United States of America and a resident in the said city for which he is appointed, and who has not resided therein for a term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any elective office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department by or from any cause whatsoever the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said department be of the same political faith and opinion. Each of

Offices of present members of department continued.

Appointment of successors.

Qualifications of appointees.

Members not to hold other offices

Vacancies, how filled.

Political complexion.	said members shall hereafter before entering upon his duties and within one month from the time of his appointment take and subscribe and file in the office of the Clerk of the Peace of the county wherein he resides an oath or affirmation that he will perform the duties of his office with fidelity and impartiality.
Oath.	
Organization.	The members of the Department of Elections shall meet and organize said Department of Elections, by this act constituted, by selecting one of their number to be President, whose term of office shall continue for one year from the date of such organization, when and biennially thereafter the said Department of Elections shall select one of their number to be President. Each member of the Department of Elections shall receive as compensation for his services in any year in which there is held a general or special election a salary of five hundred dollars, said compensation to be paid as hereinafter provided.
Officers.	
Compensation.	

Duties of department. Section 3. The duties of the members of the Department of Elections, shall be as follows :

Division of city into election districts.	I. They shall, on or before the first day of June next, preceding the time of the first registration held under the provisions of this act, and in every sixth year thereafter, on or before the first day of June, divide the city into as many election districts as they shall deem necessary, and shall establish the boundaries thereof. Provided that each election district shall contain as near as may be, not more than three hundred, nor less than one hundred qualified voters. And further provided, that each of said election districts shall be entirely within the boundaries of one representative district. And on or before the first day of June A. D. nineteen hundred, and biennially thereafter, said department of elections may divide such of the election districts, and such only as, by the election last preceding such division, shall be found to contain a greater number of voters than can conveniently vote therein. They shall also designate each of said election districts by appropriate titles or distinctions.
Number of voters in district.	
District to be within one representative district.	
Subsequent divisions.	
Designations.	

Dismissal of Registrars.	II. They shall have power to dismiss any Registrar at any time and supply his place with another person. They may also employ a clerk, counsel and such other assistants as, in the judgment of the members of said Department of Elections, shall be necessary and proper for the faithful performance by it of the duties by this act imposed; provided the expense thereof shall not exceed fifteen hundred dollars in any one year in which the general election is held, which said sum shall not include the compensation of members of the Department of Elections and Registrars, to be paid upon warrants of the president of the Department of Elections in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.
Employees.	
Limit of expense.	
How paid.	

III. They shall, hereafter, appoint all registrars in the City of Wilmington, and shall make all necessary removals of registration officers, and fill all vacancies which from any cause occur.

Appointment
of Registrars.
Removals.
Vacancies.

IV. They shall in the month of June, in each year in which a general election is held, appoint for each election district in the City of Wilmington three capable persons, who shall be voters and residents in the Election District, for which they shall be appointed, who shall be the registration officers of the election district for which they are appointed; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars," and not more than two of them shall be of the same political faith; provided, that the total number of registration officers in each representative district, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the department of elections at the time of making the appointments. And further, for each appointment accredited to any political party under this section the City Executive Committee of such political party shall furnish the Department of Elections on or before the first day of June of the year in which said appointment is to be made, a list of three names of properly qualified persons, from which list the Department of Elections shall make its appointments.

Appointment of
Registration
officers.

Qualifications.

Politics.

Division be-
tween parties.

Furnishing of
lists, for officers.

Time.

Provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event the Department of Elections shall appoint some suitable person, or persons, of such political party having all the qualifications provided by this section.

When list not
furnished.

Department
to select.

Provided, however, that in the case of the Registration officers to be appointed in this present year, eighteen hundred and ninety-eight, the appointment of the said Registration officers shall be made some time between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and, provided further, that the lists of names to be furnished by the City Executive Committee from which the appointments of such Registration officers shall be made with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the eleventh day of June in the year aforesaid.

Proviso for
Registration
officers for 1898.

The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment and shall continue for two years thereafter, and until their successors shall be duly chosen and qualified, unless sooner removed as provided in this act.

When terms of
office begin.

Term.

Alternate Registrar. V. They shall also when appointing Registration officers for the several election districts of the city of Wilmington at the same time appoint in each election district in the said city one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar" shall be the same as that of the Registrar, and whenever the Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the Alternate Registrar in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.

Term of office.

When to act.

Powers and duties.

When Alternate not to act.

Vacancies.

VI. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant.

Vacancies in Registration office.

How filled.

Term of appointee.

Qualifications, powers, &c.

Oath of Registration officers.

VII. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar or Alternate Registrar, before the expiration of such term, from any cause whatsoever, the said Department of Elections shall appoint some suitable person or persons to fill such vacancy or vacancies who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar and Alternate Registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the county in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer:

Form.

"I..... residing in Election District of Representative District in County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Registrar (Assistant Registrar or Alternate Registrar) for..... Election District in Representative District in County faithfully, honestly, fairly, impartially and according to the best of my ability; that I am a citizen of the United States and of the State of Delaware, and am not a candidate for any office to be voted for by the election district for which I am appointed

Registrar (Assistant Registrar or Alternate Registrar), and that I am a qualified voter in said election district."

VIII. Should the said Registrar, Assistant Registrars or either of them or Alternate Registrar after taking said oath and before entering upon the active duties of the said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed Registrar, Assistant Registrar or Alternate Registrar, the said office shall ipso facto become vacant and be filled by the appointment of another person to the same. After any Registrar, Assistant Registrar, or Alternate Registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Officers becoming candidates to vacate office.

How filled.

Officers to be ineligible to be voted for.

Section 4. Each and every person appointed as aforesaid to act as Registrar, Assistant Registrar or Alternate Registrar shall qualify as such Registrar, Assistant Registrar or Alternate Registrar by taking and subscribing the oath or affirmation prescribed in the preceding section within ten days after being notified of his appointment and shall perform the duties of the office for the time for which he was appointed, unless he shall become disqualified by sickness or otherwise. But any Registrar, Assistant Registrar or Alternate Registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any Registrar, assistant Registrar or Alternate Registrar, who being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the county where such offence was committed.

Time of taking oath and qualifying.

Appointees to vacancies to qualify forthwith.

Refusal to qualify.

Penalty.

The Department of Elections shall deliver a certificate of appointment to whomsoever it shall appoint and who shall be sworn into office as Registrar. said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The Department of Elections shall have full power and authority to remove any of the registration officers appointed by them as aforesaid for want of requisite qualification or cause, but in either of such case such removal, unless made while the Registrars are actually on duty, on a day of registration, and for improper conduct as a registration officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill.

Certificate of appointment.

Form of.

Removal of Registration officers.

Privileges of
Registration
officers.

Disqualification
for office of
Registration
officers.

Office of Depart-
ment of
Elections.

Limit of rent.

How rent to
be paid.

Time of pay-
ment of com-
pensation of
members of
department.

Neglect of duty
or corrupt or
fraudulent
practices of
members of
department.

Penalty.

Department to
notify Attorney
General of vio-
lations of act.

The registration officers during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of the State is exempt from jury duty shall be required to serve as registration officer.

Section 5. The said Department of Elections may rent some suitable and convenient place in the said city, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars, to be paid upon warrants of the President of the Department of Elections in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.

Section 6. The legal compensation of all members of the Department of Elections shall be paid quarterly, on the last days of March, June, September and December, by the State Treasurer out of any money belonging to the State, not otherwise appropriated.

Section 7. If any member of the Department of Elections, of whom any duty is required in this act, shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Section 8. It is hereby made the special duty of the Department of Elections to notify the Attorney General of all violations under this act.

Section 9. All Acts and parts of acts supplied by or inconsistent with this act are hereby repealed.

Approved May 20, A. D. 1898.

CHAPTER 41, VOLUME 21.

AN ACT more clearly Defining the Duty of the Department of Elections
in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met:*

Section 1. That the Department of Elections in the City of Wilmington shall have and exercise all the powers and privileges in respect to elections, which shall hereafter be held in said city, which the Department of Elections had and possessed by virtue of an Act of General Assembly, entitled "An Act to provide for the Registration of Voters in the City of Wilmington," passed at Dover, May 13, A. D. 1891, shall select election places in the respective districts, appoint all election officers with power to remove the same, and have all other powers and privileges exercised and possessed by said Department of Elections, in respect to elections under this act.

Section 2. Nothing in this act shall be construed to repeal or impair any act or part of an act passed by the present session of the General Assembly.

Approved June 1, A. D. 1898.

CHAPTER 70, VOLUME 22.

AN ACT in relation to the Department of Elections for the City of
Wilmington.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Department of
Elections to be
increased to five
members.

Section 1. That the Department of Elections for the City of Wilmington, as established and constituted by Chapter 39, Vol. 19, Laws of Delaware, as constituted and created by Chapter 40, Volume 21, Laws of Delaware, be and the same is hereby enlarged to, and made to consist of five members, for all general or special elections to be hereafter held in said City.

Governor to ap-
point two suita-
ble persons.

Section 2. That the Governor be and he is hereby authorized and empowered to appoint and commission two suitable persons, residents of the City of Wilmington, to be members of the said enlarged Department of Elections for the City of Wilmington.

One for two
years, one for
three years.

Thereafter Gov-
ernor to appoint
every three
years.

Section 3. That the term of office of one of the said two members shall be for two years and the term of the other and remaining member shall be three years, and at the expiration of said two terms and thereafter every three years, the Governor shall appoint suitable persons to succeed the said members for the term of three years.

Powers of mem-
bers so
appointed.

Duties and com-
pensations of.

Section 4. That the members so appointed shall have, possess, enjoy and exercise all and every the rights, powers, and privileges which are now held, possessed, enjoyed and exercised by the present members of said Department and vested in them by law, and shall perform each and every duty which the present members of said Department are now required to perform by law; and they shall each receive the same compensation as now fixed by law for the other three members, which shall be paid by the State Treasurer, at the same time and in the same way as now provided by law for the payment of the compensation of the present members of said Department.

Board to consist
of five members.

Section 5. That from and after the first day of April, A. D. 1901, the Department of Elections shall consist and be composed of five members, to wit: the three members who are now members of said Department and the two members appointed by the Governor; and the said five members shall constitute the Department of Elections for the City of Wilmington.

The Department of Elections for the City of Wilmington so constituted as aforesaid, shall have a full and complete jurisdiction over all and every the matters and things now vested by law in the Department of Elections for the City of Wilmington, as at present constituted, and shall exercise every power, privilege, right and duty which now belongs to the said Department of Elections for the City of Wilmington, as fully and completely as the said Department of Elections now by law is authorized to do.

Jurisdiction of.

Section 6. That the Department of Elections for the City of Wilmington, so constituted as aforesaid, shall meet for organization on the first Tuesday in April, A. D. 1901, and after taking the oath of office prescribed by the Constitution of the State, shall proceed to elect one of their number to be the president of the Department and shall also elect a clerk. Three members shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Department shall have the power to make rules for its government not inconsistent with the Constitution and Laws of the State.

Organization of.

To make rules for government.

Section 7. That it shall be the duty of the present Department of Elections for the City of Wilmington, and every member thereof, and every officer, clerk or agent thereof, and every other person having possession or control of any records, books, papers, or other property of or relating to or connected with said Department of Elections, immediately after the organization of the Department created by this Act, to surrender and deposit the same with the President of the Department elected pursuant to the provisions of Section Six of this Act, or with such other person as the said President shall order and direct. And in case the said members, officer, clerk or any other person having possession as aforesaid, shall neglect or refuse on demand of the said President to be elected as aforesaid, to deliver up and surrender any of such records, books, papers or other property as aforesaid, each and every person neglecting or refusing as aforesaid, shall be guilty of a misdemeanor and upon conviction thereof, shall forfeit and pay a fine of five hundred dollars, and be imprisoned for a term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said President.

All records, books, papers, &c., to be delivered to President.

Penalty.

Section 8. That all Acts or parts of Acts inconsistent herewith or manifestly superseded hereby, be and the same are hereby repealed.

Approved March 8, A. D. 1901.

*CHAPTER 30, VOLUME 17.

AN ACT providing for the election of Three Assessors for Wilmington Hundred.

Three assess-
ment districts.

Section 1. That for the purpose of a more convenient assessment of persons and property in Wilmington Hundred of the county of New Castle, the said hundred shall be divided into three assessment districts, as follows:

Chap. 5, Vol. 20.
Assessment dis-
tricts of Wil-
mington hun-
dred.Chap. 27, Vol. 21
Limits of first.

(The first assessment district of said hundred shall consist of so much of said hundreds as is contained or comprised within the limits of the (First Representative District) of the city of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly.

Limits of second

Chap. 27, Vol. 21

"The second assessment district of the said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the (Second Representative District) of the city of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly.

Limits of third.

Chap. 27, Vol. 21

Chap. 27, Vol. 21

"The third assessment district of the said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the (Third Representative District) of the city of Wilmington, as the said wards are laid out, or as the said wards or either of them, may be hereafter extended or enlarged by act of the General Assembly.") (And all that portion of the said hundred comprised within the limits of the Fourth Representative District of the said city, as now laid out and established by law, shall be the Fourth Assessment District, and all that portion of the said hundred comprised within the limits of the Fifth Representative District of the said city, as now laid out and established by law, shall be the Fifth Assessment District.)

Elections.
When held.

Section 2. That an election for the purpose of choosing an assessor for each of said assessment districts shall be held at the time and in the manner prescribed by Chapter 17 of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the city of Wilmington.

*This act has been amended without a proper knowledge of its provisions and is so full of inconsistencies that it will require further amendment to cure its many defects.

Section 3. That every citizen qualified to vote for Inspector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no persons shall be elected assessor under the provisions of this act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected.

Qualifications
of voters.

Qualifications
of assessors.

Section 4. Immediately after making the certificate required by Section 8 of Chapter 19 of the Revised Statutes of this State, the presiding officers and Judges of the several election districts of the said hundred shall assemble in the City Hall. And the presiding officers and Judges of the election districts comprised within the first assessment district aforesaid, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessors in the said election district so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said first assessment district; and the presiding officers and Judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by law for certifying the election of the assessors of the several hundreds. And the presiding officers and Judges of the election districts comprised within the second assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said second assessment district; and the presiding officers and Judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. And the presiding officers and judges of the election districts comprised within the third assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the third assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. If two candidates for the office of assessor of either of the assessment districts hereby laid out and established shall receive the highest and at the same time an equal number of votes the presiding officers of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

Meeting of
officers.

When and where

Ascertainment
of vote.

Certificates,

Tie

Section 5.

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Section 6.	*	*	*	*	*
Section 7.	*	*	*	*	*
Section 8.	*	*	*	*	*

Section 9. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, April 6, 1883.

CHAPTER 57, VOLUME 23.

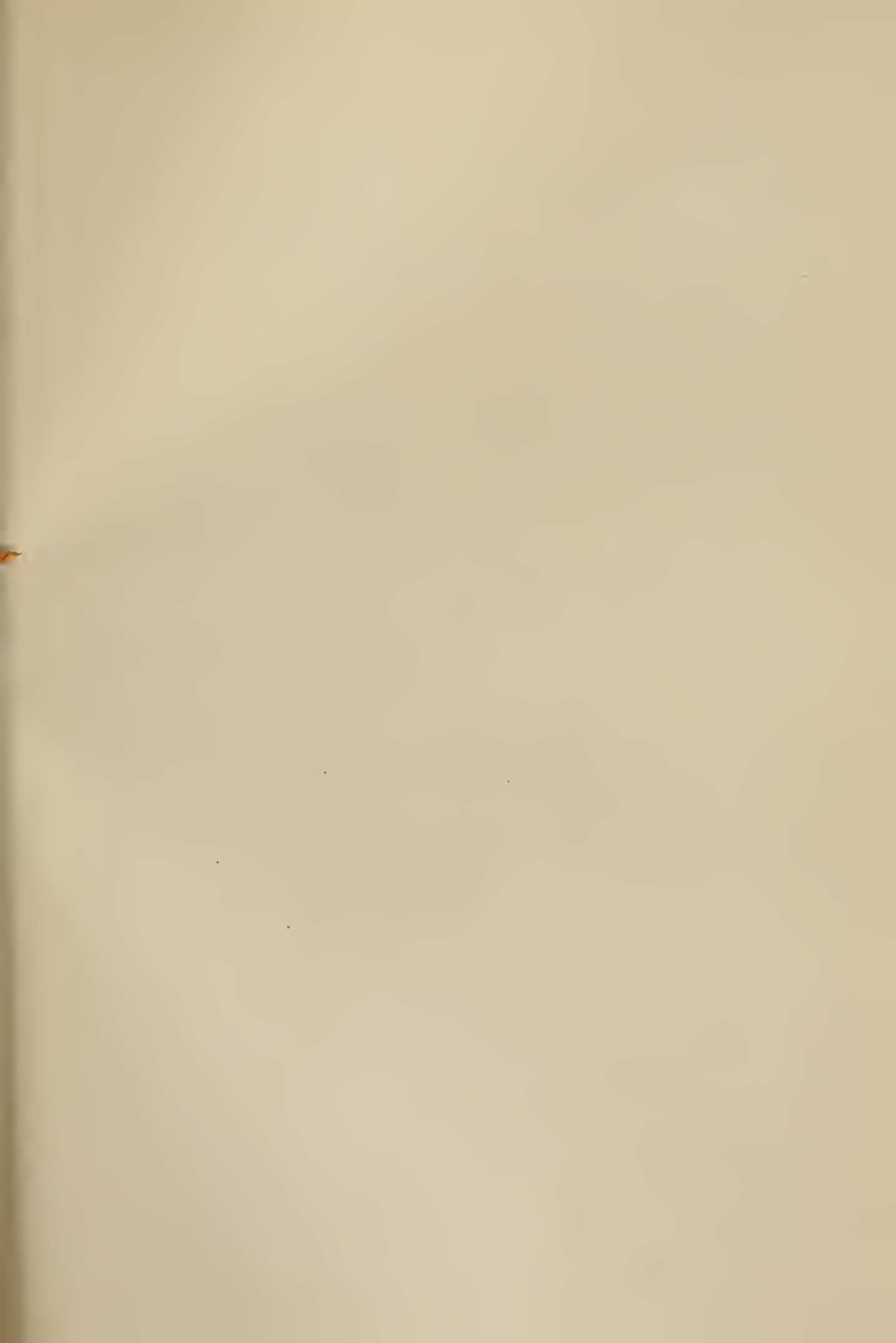
AN ACT to amend Section 17 of Chapter 18 of the Revised Code of 1893, by providing for the opening of the General Election in the City of Wilmington, between seven and seven-thirty o'clock in the morning.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 17,
Chapter 18,
Revised Code,
1893, amended
relative to time
of opening
polls in
Wilmington.

Section 1. That Section 17 of Chapter 18 of the Laws of Delaware as published in the Revised Code of 1893 be and the same is hereby amended by striking out the period at the end of said Section and inserting the following: "Provided that in the City of Wilmington the general election shall be opened between seven and seven thirty o'clock in the morning."

Approved March 20, A. D. 1905.



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